Laws, Resolutions and Memorials

OF THE

STATE OF MONTANA

PASSED BY THE

Twenty-seventh Legislative Assembly
In Regular Session

Held at Helena, the Seat of Government of Said State,
Commencing January 6th, 1941, and
Ending March 6th, 1941

Including Initiative and Referendum Measures Voted Upon by the
People at the General Election Held November 5th, 1940

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CERTIFICATE OF AUTHENTICATION

State of Montana
Department of
Secretary of State
} ss.

I, Sam W. Mitchell, Secretary of State of the State of Montana, do hereby certify that the printed laws, resolutions and memorials contained herein are true and correct copies of all the enrolled laws, resolutions, memorials and appropriations that were passed at the twenty-seventh regular session of the legislative assembly of the State of Montana, commencing January 6th, 1941, and concluding March 6th, 1941, and, in addition, true and correct copies of initiative and referendum measures adopted by the people of Montana at the general election, held November 5th, 1940.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State of Montana, at Helena, the Seat of Government, this first day of May, A. D., 1941.

The Great Seal
of the State
of Montana

Sam W. Mitchell

Secretary of State.

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OFFICERS AND MEMBERS

OF THE

Twenty-seventh Legislative Assembly of the State of Montana

1941

Governor: SAM C. FORD
Lieutenant Governor and President of the Senate: ERNEST T. EATON
Speaker of the House: E. J. STROMNES

Members of Senate

NAME	Residence	County	Politics
*Alvord, A. A.	Thompson Falls	Sanders	Democrat
*Angvick, Lars	Reserve	Sheridan	Republican
*Arnold, S. C.	Broadview	Stillwater	Republican
Baker, Dr. A. A.	Glendive	Dawson	Republican
*Baker, F. E.	Libby	Lincoln	Democrat
Balgord, O. P.	Lavina	Golden Valley	Republican
*Bateman, Dr. H. W.	Choteau	Teton	Republican
*Burke, Tom	Billings	Yellowstone	Republican
Calder, Thomas	Terry	Prairie	Democrat
*Campbell, John L.	Missoula	Missoula	Republican
*Chadwick, F. A.	Alberton	Mineral	Democrat
Clayton, L. M.	Wolf Point	Roosevelt	Republican
*Cotter, Charles P.	Townsend	Broadwater	Republican
*Dahl, Reynold C.	Great Falls	Cascade	Republican
D'Ewart, Wesley A.	Wilsall	Park	Republican
Drumheller, Dan M.	Cut Bank	Glacier	Democrat
Ecton, Zales N.	Manhattan	Gallatin	Republican
Findlater, R. P.	Miles City	Custer	Republican
Fowlie, Geo., Sr.	Wh. Sulphur Spgs.	Meagher	Democrat
Gilbert, Thos. E.	Dillon	Beaverhead	Republican
*Haight, Herbert H.	Suffolk	Fergus	Democrat
*Hammond, W. L.	Carlyle	Wibaux	Democrat
†Haynes, F. F.	Forsyth	Rosebud	Republican
Hazelbaker, Howard K.	Polson	Lake	Republican
*Henderson, M. R.	Hall	Granite	Republican
Kalberg, F. S.	Circle	McCone	Republican
*Kaulbach, Dr. J.	Fort Benton	Chouteau	Republican
Keeley, W. E.	Deer Lodge	Powell	Republican
Liggett, J. A.	Roundup	Musselshell	Republican
*Lott, M. J.	Twin Bridges	Madison	Republican
*McQuitty, E. F.	Harlowton	Wheatland	Democrat
Maddox, Dan W.	Hardin	Big Horn	Republican
Mahoney, Charles H.	Jordan	Garfield	Republican
Manning, D. M.	Hysham	Treasure	Democrat
*Martin, Harry T.	Stevensville	Ravalli	Democrat
*Martinson, K. L.	Whitehall	Jefferson	Democrat
Morrison, R. E.	Helena	Lewis and Clark	Democrat
*Mulholland, M. J.	Butte	Silver Bow	Democrat
Mundy, G. F.	Gildford	Hill	Republican
*Nutt, Richard S.	Sidney	Richland	Republican
Olmstead, Leon C.	Big Timber	Sweet Grass	Republican
*Pauline, Robert	Kalispell	Flathead	Republican
Peterson, N. A.	Valier	Pondera	Democrat
Plank, Leonard	Chester	Liberty	Democrat
Robinson, F. L.	Malta	Phillips	Republican
Ross, Thomas A.	Chinook	Blaine	Republican
*Ruffcorn, George W.	Glasgow	Valley	Democrat
Simmons, H. A.	Red Lodge	Carbon	Republican
Taylor, William R.	Anaconda	Deer Lodge	Republican
Toman, J. Fred	Bowers	Powder River	Republican
*Waldrop, Geo. R.	Winnett	Petroleum	Democrat
*Weinschrott, John	Plevna	Fallon	Republican
Wilcoxon, Sherd	Scobey	Daniels	Republican
*Wilson, Geo. W.	Shelby	Toole	Democrat
*Wood, C. L.	Alzada	Carter	Democrat
*Woods, Dale R.	Hobson	Judith Basin	Democrat

*Holdover. Elected 1938.
†To fill unexpired term of G. G. Davis, deceased.
Secretary of the Senate: CLAUDE J. McALLISTER.
President Pro-tem: W. E. KEELEY.

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House of Representatives

NAME	Residence	County	Politics
Ahern, E. V.	Havre	Hill	Democrat
Allen, George J.	Livingston	Park	Republican
Anderson, Eric	Regina	Phillips	Republican
Anson, Don E.	Wisdom	Beaverhead	Republican
Antrim, Stanley	Stevensville	Ravalli	Democrat
Armstrong, Ory J.	Kalispell	Flathead	Republican
Aronson, J. Hugo	Cut Bank	Glacier	Republican
Ballard, Walter T.	Butte	Silver Bow	Democrat
Banka, Walter	Brady	Pondera	Democrat
Beazley, Tom G.	Roundup	Musselshell	Democrat
Beck, Martin J.	Vida	McCone	Democrat
Bjorneby, Emil G.	Kalispell	Flathead	Democrat
Blenkner, E. A.	Columbus	Stillwater	Republican
Burke, Edmund, Jr.	Bozeman	Gallatin	Democrat
Busch, L. W.	Baker	Fallon	Republican
Byrne, E. J.	Galata	Toole	Democrat
Cannon, Paul	Butte	Silver Bow	Democrat
Carlson, Charles A.	Basin	Jefferson	Republican
Castles, Wm.	Superior	Mineral	Republican
Clifford, Jerry J.	Anaconda	Deer Lodge	Democrat
Cole, N. A.	Terry	Prairie	Democrat
Cummings, Ted	Great Falls	Cascade	Democrat
Curran, Peter J.	Butte	Silver Bow	Democrat
Dahlquist, Alvin	Opheim	Valley	Democrat
Davey, J. L.	Wolf Point	Roosevelt	Democrat
Dillavou, R. C.	Billings	Yellowstone	Republican
Dougherty, James N.	Elliston	Powell	Democrat
Eggenberger, Andrew D.	Harlowton	Wheatland	Republican
Esp, Leonard J.	Big Timber	Sweet Grass	Republican
Fewkes, D. F.	Troy	Lincoln	Republican
Flook, George W.	Lewistown	Fergus	Republican
Forbregd, H. O.	Scobey	Daniels	Republican
Freshman, Walter C.	Butte	Silver Bow	Democrat
Friedl, Paul R.	Glasgow	Valley	Democrat
Gebhardt, R. H.	Billings	Yellowstone	Republican
Goodwin, Phil C.	Butte	Silver Bow	Democrat
Green, Henry R.	Lindsay	Dawson	Republican
Gunderson, Ole S.	Power	Cascade	Democrat
Hageman, Arthur	Jordan	Garfield	Republican
Hammond, Grant	Billings	Yellowstone	Republican
Harken, R. C.	Forsyth	Rosebud	Democrat
Harrison, J. Scott	Helena	Lewis and Clark	Republican
Hazelbaker, Frank W.	Missoula	Missoula	Republican
Helding, Oscar	Missoula	Missoula	Democrat
Hess, H. H.	Havre	Hill	Democrat
Horrigan, Frank W.	Philipsburg	Granite	Republican
Hunter, Dr. W. L.	Kenwood, Helena	Lewis and Clark	Republican
James, David F.	Joplin	Liberty	Democrat
Kemmis, Walter D.	Sidney	Richland	Republican
Kirscher, W. G.	Townsend	Broadwater	Democrat
LaBonte, Walter B.	Kalispell	Flathead	Republican
Laubach, Harry	Dutton	Teton	Republican
Lehrkind, Carl, Jr.	Bozeman	Gallatin	Democrat
Lippard, Gordon J.	Loma	Chouteau	Democrat
Loughran, Mike.	Butte	Silver Bow	Democrat
Lowe, Ray G.	Glendive	Dawson	Republican
Lynch, Austin E.	Highwood	Chouteau	Democrat
McDaniel, A. N.	Charlo	Lake	Republican
McGreevey, Barney	Anaconda	Deer Lodge	Democrat
McKenna, George	Geyser	Judith Basin	Democrat
McMichael, D. A.	Paradise	Sanders	Republican
Martin, C. Lester	Harrison	Madison	Republican
Martin, Mrs. R. T.	Lewistown	Fergus	Democrat
Mernin, Henry F.	Butte	Silver Bow	Democrat
Miller, W. G.	Sanders	Treasure	Republican
Morrow, James H., Jr.	Bozeman	Gallatin	Republican
Murray, Thomas	Anaconda	Deer Lodge	Democrat
Nash, L. E.	Missoula	Missoula	Democrat
Nelson, Wm. J.	Barber	Golden Valley	Democrat
Newell, J. T.	Red Lodge	Carbon	Republican
O'Brien, John	Butte	Silver Bow	Democrat
O'Connor, G. W.	Fromberg	Carbon	Republican
Oliver, John	Eknalaka	Carter	Republican
Parker, Clem	Wibaux	Wibaux	Democrat
Parker, Neil C.	Kalispell	Flathead	Republican
Parker, Ralph A.	Fort Shaw	Cascade	Democrat
Petersen, P. C.	Westby	Sheridan	Democrat
Phelan, D. J.	Billings	Yellowstone	Democrat
Potter, John V.	Wh. Sulphur Spgs.	Meagher	Republican
Rasmussen, A. J.	Harlem	Blaine	Democrat

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HOUSE OF REPRESENTATIVES—(Continued)

NAME	Residence	County	Politics
Reed, W. H.	Turner	Blaine	Republican
Rice, John E.	Lodge Grass	Big Horn	Democrat
Roehl, E. R.	Lewistown	Fergus	Republican
Saylor, Clarence R.	Winnett	Petroleum	Democrat
Scofield, Charles L.	Biddle	Powder River	Republican
Scott, P. M.	Loring	Phillips	Democrat
Simpson, Milton C.	Volborg	Custer	Republican
Spiegel, Sam	Butte	Silver Bow	Democrat
Stevens, Charles L.	Great Falls	Cascade	Democrat
Stromnes, E. J.	Great Falls	Cascade	Democrat
Tonn, Armand W.	Broadus Rt., Miles City	Custer	Democrat
Toole, Warren	Great Falls	Cascade	Democrat
Toomey, E. G.	Helena	Lewis and Clark	Republican
Tyler, R. G.	Homestead	Sheridan	Democrat
Vanek, Joe	Brooks	Fergus	Democrat
Watson, Fred	Missoula	Missoula	Republican
Welcome, George	Gardiner	Park	Democrat
White, Rob B.	Butte	Silver Bow	Republican
Williams, C. J.	Billings	Yellowstone	Republican
Wilson, S. P.	Boyd	Carbon	Republican
Winters, W. J.	Stevensville	Ravalli	Republican
Zuck, John Q.	Poplar	Roosevelt	Democrat

Chief Clerk of the House: J. P. BRENNAN.

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SESSION LAWS

CHAPTER 1

An Act to Amend Section 5306 of the Revised Codes of Montana, 1935, Relating to the Power of a Council to Discontinue Streets or Alleys, to Provide That the County Commissioners Have the Power to Discontinue Streets or Alleys in Unincorporated Towns.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 5306 of the Revised Codes of Montana, 1935, be and the same hereby is amended to read as follows:

Section 5306. The council, *or county commissioners if the town be unincorporated,* may discontinue a street or any part thereof, in a city or town *or unincorporated town,* upon the petition in writing of all owners of lots on the streets or alleys, if it can be done without detriment to the public interest; provided that where the street or alley is to be closed for school purposes, a petition signed by seventy-five per cent (75%) of the lot owners on the whole street or alley to be closed, will be required.

Discontinuance of streets.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 4, 1941.

CHAPTER 2

An Act Providing for the Lettering to Be Placed on State Owned Motor Vehicles, the Kind, Size, and Place of Letters; Vehicles in the Service of the Highway Patrol Excepted, and Providing Penalties Therefor.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. **Kind and Size of Letters—Vehicles in the Service of the Highway Patrol Excepted.**

Every motor vehicle owned by the State of Montana shall be indelibly and conspicuously lettered in a distinc-

Lettering on state owned motor vehicles.

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tive color from the body of such motor vehicle, lettered on each side thereof in plain letters not less than two and one half (2½) inches in height with the words "State of Montana", with the name of the proper department or institution inserted under the words "State of Montana". Such lettered words shall be kept clear, distinct, and visible at all times and shall not be blurred or defaced in any manner, provided, however, that the provisions of this act shall not be applicable to any such motor vehicle used in the service of the highway patrol of this State, except that upon the front doors of any motor vehicle in their service there shall be placed the "Great Seal" of the State of Montana.

Highway patrol vehicles excepted.

Section 2. **Violation a Misdemeanor.** Any person violating the provisions of this act shall be deemed guilty of a misdemeanor.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 6, 1941.

CHAPTER 3

An Act to Amend Section 8289 of the Revised Codes of Montana, 1935, Relating to Acknowledgment of Satisfaction of Mortgage.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 8289 of the Revised Codes of Montana of 1935, be, and the same is hereby amended to read as follows:

"8289. **Acknowledgment of Satisfaction of Mortgage.** Whenever the debt or obligation secured by any mortgage of personal property, which has been filed in the office of the County Clerk, as provided in this Chapter, shall be paid or discharged, an acknowledgment of satisfaction, signed by the mortgagee, his legal representative or assigns, must be indorsed upon the mortgage, or copy thereof, or attached thereto, filed as aforesaid, and the fact of such discharge or satisfaction noted by the County Clerk in the book kept by him, as provided by this act, opposite the names of the parties to such mortgage. *Any*

Acknowledgment of satisfaction of mortgage.

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mortgagee of personal property or his personal representative or assignee, as the case may be, after the full performance of the conditions of the mortgage, whether before or after a breach thereof, who shall for the period of thirty (30) days after being requested by the mortgagor, or his personal representative, refuse or neglect to execute, acknowledge and deliver to the mortgagor, or his personal representative, an acknowledgment of satisfaction of such mortgage, shall be liable to the mortgagor, his heirs or assigns in the sum of one hundred dollars ($100.00); and also, for all actual damages occasioned by such neglect or refusal."

Penalty and damages

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Effective date.

Approved February 7, 1941.

CHAPTER 4

An Act Providing the Method Whereby Public Administrators May Continue to Administer Estates Not Closed at the Termination of Their Term of Office by Being Appointed as General Administrators of Said Estates Not Closed, or May Voluntarily Be Relieved From Further Performance of the Trust, and Prescribing a Method Whereby a Successor in Office to a Public Administrator Whose Term Has Expired May Compel His Predecessor to Surrender to Him the Unfinished Estates and Property Belonging to Same and Allowing Compensation for Services Performed.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The public administrator, upon the expiration or termination of his term of office, may continue to administer estates not closed by filing and presenting to the court, a full and complete account pertaining to each estate not closed, securing an order of court granting him letters of general administration and qualifying himself as a general administrator under and pursuant to Sections 10087 and 10088 of this code, and executing and filing

Letters of general administration.

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a new bond in such sum or sums as may be fixed by the court.

Must qualify in sixty days.

Section 2. Should said public administrator, upon the expiration or termination of his said office, and within sixty (60) days thereafter, fail to qualify as general administrator of estates not yet closed, he shall, upon demand of his successor to such office, or voluntarily if he desires to be relieved from further performance of the trust, surrender to said successor all estates not closed and property belonging to such estates, having first filed and presented to the court for approval, a full and complete account pertaining to such estate not closed.

Adjustment of compensation.

Section 3. Thereupon the court shall determine and allow such predecessor in office, for his services rendered in connection with estates not closed, a compensation based upon the commission now prescribed and allowed by law, in proportion to the services necessarily rendered and those necessary to be rendered by such successor in closing up such estates. Such successor shall thereupon be allowed and paid the balance of such commission allowed by said Section.

Repealing clause.

Section 4. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 5. This act shall be in full force and effect from and after its passage and approval.

Approved February 6, 1941.

CHAPTER 5

An Act to Amend Chapter 82 of the Laws of the Twenty-fifth Legislative Session of 1937, Relating to Public Welfare, by Adding Thereto a New Part to Be Known as Part IX Relating to Payments to Persons Who Have Silicosis, as Herein Defined; Providing Eligibility Requirements; Providing Medical Examinations and Procedure for Determining Who Are Entitled to Such Payments; and Providing Administration by the State Department of Public Welfare and the County Departments of Public Welfare, and Prescribing Their Powers and Duties.

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Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Chapter 82 of the laws of the twenty-fifth legislative session of 1937, be, and the same is hereby amended by adding thereto a new part to be known as "Part IX", as follows:

"Part IX."

"To Provide for Payments to Persons Having Silicosis as Herein Defined:

"Section 1. **Definitions as Used in This Title.**

"(a) 'Payments' means money payments to persons having silicosis as herein defined. "Payments."

"(b) 'Silicosis' means a fibrotic condition of the lungs due to the inhalation of silica dust which results in total disability to do manual labor. "Silicosis."

"(c) 'Examining board' means three (3) physicians, as herein defined, or a lesser number, if the state department of public welfare shall so determine. "Examining board."

"Section 2. **Administration.**

"(a) The state department of public welfare is hereby authorized and charged with the general supervision of this Part under the powers, duties and functions as prescribed in Part I of this act. General supervision

"(b) The county departments of public welfare shall have the local administration and supervision of this Part, subject to the powers, duties and functions prescribed for county departments in Part I of this act. Local supervision

"(c) The state department shall formulate a plan and promulgate regulations for the operation of this Part, and said plan shall be in effect in each and every county in the State and shall be uniform throughout the State. Plan by state department

"(d) The state department of public welfare shall have printed and distributed copies of this act to all county welfare departments, and shall prescribe the form of and print and supply to the county welfare departments blanks of application, reports and such other forms as may be necessary in relation to the carrying out of this Part of the act. Blanks and forms.

"(e) All rules and regulations of the state depart-

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Rules and regulations by state department.

ment of public welfare made under this Part shall be binding upon the county departments of public welfare. The state board of public welfare shall make such rules and regulations and take such action as may be necessary or desirable for carrying out the provisions of this Part.

Cooperation with federal government.

"(f) The state department shall cooperate with the federal government in all matters of immediate concern pertaining to silicosis.

Reports.

"(g) The state department shall publish an annual report and interim reports as may be necessary or required or asked for by the governor.

County departments.

"(h) The county departments of public welfare shall administer the provisions of this Part in the respective counties, subject to the rules and regulations prescribed by the state department pursuant to the provisions of this Part.

Medical examination.

"(i) The state department shall designate the procedure to be followed in securing a competent medical examination for the purposes of determining silicosis in each individual applicant.

Physicians to be designated.

"(j) The state department shall designate suitable physicians from the staff of the physicians of the Montana state tuberculosis sanitarium, to examine applicants for aid under this Part.

Applicant's transportation expenses.

"(k) The state department shall pay the actual transportation expenses of any applicant from the place of his residence in the State to the place of examination and return, if upon said examination it is determined the applicant has silicosis as defined in this act.

Cooperation for prevention of silicosis.

"(l) The state department shall develop and cooperate with other agencies in developing measures for the prevention of silicosis.

"Section 3. **Eligibility Requirements for Aid to Persons Having Silicosis, as Herein Defined.**

Eligibility for payments

"Payments shall be made under this Part to any person who

"(a) Has silicosis, as defined in this Part, which results in his total disability to do manual labor.

"(b) Has resided in and been an inhabitant of the State of Montana for ten (10) years, or more, immediately preceding the date of the application.

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"(c) Is not at the time of receiving a payment under this Part an inmate of any public institution, except Montana state tuberculosis sanitarium. If the person to whom payment has been ordered to be paid is an inmate of the Montana state tuberculosis sanitarium then and in that case the payment herein provided for shall be made to his wife and children if any.

"(d) Is not receiving, with respect to any month for which he would receive a payment under this Part, compensation under the workmen's compensation act of the State of Montana, old age assistance from the State of Montana or the government of the United States, which will equal the thirty dollars ($30.00) payment allowed hereunder. If he is receiving payments from either or both of these plans which is less in the aggregate than thirty dollars ($30.00) per month, then if he is entitled to a payment under this Part that payment shall be the difference between the amount which he is receiving under these plans and thirty dollars ($30.00) per month.

"Section 4. **Amount of Payments.** Any person who has silicosis, as defined in this Part, and who has, subject to the regulations and standards of the state and county departments, been determined by the state department to be entitled to a payment under this Part for silicosis, shall be granted a payment by the said state department of thirty dollars ($30.00) per month, subject to such appropriations as may from time to time be made.

Amount of payments.

"Section 5. **Application for Payment.** Application for payment under this Part shall be made by the person seeking such payment to the county office of the county department in the county in which the applicant is a resident. The application shall be in writing or reduced to writing in the manner and upon the form prescribed by the state department. The application form may be filled in and written by a person authorized by the county department. If the applicant is unable to sign his or her name on the application, a duly witness mark may be used.

Application for payment.

"Section 6. **Investigation of Applications.** Whenever a county welfare department receives an application for a payment under this Part an investigation and record shall be promptly made of the validity of the claim. The object of such investigation shall be to ascertain whether

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Investigation of applications.

or not the applicant is entitled to a payment under the provision of this Part, and such other information as may be required by the rules of the state public welfare department. The investigation of such applicant shall be conducted by the staff workers or investigators of the county department. The physicians designated by the state department as herein provided shall constitute an examining board for such clinical, pathological, X-ray and Roentgen examinations as in the opinion of the examining board may be necessary to determine whether or not the applicant has silicosis, as herein defined. A certified report of such examination from the examining board of physicians must be attached to the investigation report.

Making payment.

"Section 7. **Making Payment.** Upon the completion of such investigation the county department shall forward the investigation report, together with the certified report from the examining board of physicians to the state department, and the state department shall determine whether or not the applicant is entitled to a payment under this Part. The state department shall then notify the county department and the applicant of its decision.

Conformity with acts of federal government.

"Section 8. **Conformity With Acts of Federal Government.** If and when the Government of the United States makes grants to states in aid of and allowing payments to persons having silicosis, as herein defined, the public welfare department of the State of Montana is hereby authorized to administer in the State of Montana such grants in aid and payments in addition to grants made by this act. The total payments to any individual under this act shall not exceed thirty dollars ($30.00) per month exclusive of any grants made by congress."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 11, 1941.

CHAPTER 6

An Act to Amend Section 1757 of the Revised Codes of Montana, 1935, Relating to Motor Vehicle Number

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Plates by Providing That Certain Distinctive Letters Appear on Motor Vehicle Number Plates Assigned to Motor Vehicles Owned and Operated by the State, Counties, Municipalities and School Districts; Providing for Certain Distinctive Letters to Appear on Motor Vehicles of the Truck and Trailer Type; Providing the Manner of Numbering the Same; Providing That Number Plates Shall Be Used Only on Motor Vehicles to Which Assigned; Providing the Effective Date Hereof, and Repealing All Acts and Parts of Acts in Conflict.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1757 of the Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

1757. **Number Plates.** Every motor vehicle which shall be driven upon the streets or highways of this State shall display both front and rear a number plate, bearing the distinctive number assigned such vehicle by the registrar of motor vehicles. Such number plate shall be in five series: One series for owners of motor cars, one for owners of motor vehicles of the motor-cycle type, one for dealers in each of the two types of vehicles above named, and one for trucks. All number plates for motor vehicles shall be renewed annually, shall bear a distinctive marking each year, and shall be furnished by the State. In the case of motor cars, number plates shall be of metal at least five inches wide and not less than thirteen inches in length, and the word "Montana" with the year shall be placed across the bottom of the plate. The background of the plate shall be of a distinctive color each year, which color shall be designated by the registrar of motor vehicles. The distinctive registration numbers shall begin with number 1 and be numbered consecutively for each series of plates. The distinctive registration number assigned to the vehicle and the numeral or symbol for the county in which the number plate is issued shall appear on the plate. The dimensions of such numerals and the manner of placing the same on said number plates shall be determined by the registrar of motor vehicles. For the use of dealers the number plates shall be essentially as those for motor cars and motor-cycles, except that to the left of the serial number the plate shall contain the letter "D", such letter to be of the same height and size as the figures composing the serial number.

Number plates.

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For the use of tax-exempt motor vehicles, in addition to the markings herein provided, number plates shall have thereon the following distinctive markings:

Plates for tax-exempt motor vehicles.

For vehicles owned by the state, counties, municipalities, and school districts and used and operated by officials and employees thereof in line of duty as such, there shall be placed on the number plates assigned thereto, in such position thereon as the registrar may designate, the letter "X", provided, however, that on all such plates assigned to motor vehicles of the state highway, the letter "H" shall appear before the letter "X", and on number plates assigned to motor vehicles of the state highway patrol, the letter "P" shall appear before the letter "X". Such letters shall be of the same height and size as the figures composing the serial number. The distinctive registration numbers for plates assigned to the state highway shall begin with number 1 and be numbered consecutively, and numbers for plates assigned to the state highway patrol shall begin with number 121 and be numbered consecutively. Distinctive registration numbers for plates assigned to motor vehicles of each of the counties in the State and those of the municipalities and school districts situated within each of said counties shall begin with number 1 and be numbered consecutively.

Plates for trucks and trailers

On all number plates assigned to motor vehicles of the truck and trailer type, other than tax-exempt trucks and trailers, there shall appear the letter "T" for plates assigned to trucks and the letters "TR" for plates assigned to trailers.

Plates usable on specific vehicle to which assigned.

Number plates assigned to any motor vehicle, including tax-exempt motor vehicles, shall be used only on the specific motor vehicle to which originally assigned.

Numbers assigned to respective counties

For the purpose of this act, the several counties of the State shall be assigned numbers as follows: Silver Bow, 1; Cascade, 2; Yellowstone, 3; Missoula, 4; Lewis and Clark, 5; Gallatin, 6; Flathead, 7; Fergus, 8; Powder River, 9; Carbon, 10; Phillips, 11; Hill, 12; Ravalli, 13; Custer, 14; Lake, 15; Dawson, 16; Roosevelt, 17; Beaverhead, 18; Chouteau, 19; Valley, 20; Toole, 21; Big Horn, 22; Musselshell, 23; Blaine, 24; Madison, 25; Pondera, 26; Richland, 27; Powell, 28; Rosebud, 29; Deer Lodge, 30; Teton, 31; Stillwater, 32; Treasure, 33; Sheridan, 34; Sanders, 35; Judith Basin, 36; Daniels, 37; Glacier, 38;

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Fallon, 39; Sweet Grass, 40; McCone, 41; Carter, 42; Broadwater, 43; Wheatland, 44; Prairie, 45; Granite, 46; Meagher, 47; Liberty, 48; Park, 49; Garfield, 50; Jefferson, 51; Wibaux, 52; Golden Valley, 53; Mineral, 54; Petroleum, 55; Lincoln, 56; any new counties shall be assigned numbers by the registrar of motor vehicles as they may be formed, beginning with the number 57.

Section 2. This act shall become effective and be in full force and effect from and after its passage and approval and shall apply to all number plates issued for the year 1941 and thereafter. Effective date.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed. Repealing clause.

Approved February 11, 1941.

CHAPTER 7

An Act Prohibiting the Use of Certain Canes Except by Blind Persons, Providing Protection Against Accidents to Such Persons, and Providing Penalties for Violation Hereof.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. No person, except those wholly or partially blind, shall carry or use on any street, highway or in any other public place, a cane or walking stick which is white in color, or white tipped with red. Use of white colored canes restricted.

Section 2. Any pedestrian who is not wholly or partially blind, or any driver of a vehicle who approaches or comes in contact with a person wholly or partially blind carrying a cane or walking stick white in color, or white tipped with red, shall immediately come to a full stop and take such precautions before proceeding as may be necessary to avoid accident or injury to the person wholly or partially blind. Duty of pedestrian or driver approaching a blind person

Section 3. Any person other than a person wholly or partially blind who shall carry a cane or walking stick such as is described in this act, contrary to the provisions of this act, or who shall fail to heed the approach of a person carrying such a cane as is described by this act. Penalty.

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or who shall fail to come to a full stop when approaching or coming in contact with a person so carrying such a cane or walking stick, or who shall fail to take precaution against accidents or injury to such person after coming to a stop, as provided for herein is guilty of a misdemeanor, punishable by a fine not to exceed twenty-five dollars ($25.00).

Repealing clause.

Section 4. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 5. This act shall be in full force and effect from and after its passage and approval.

Approved February 11, 1941.

CHAPTER 8

An Act to Repeal Section 552 of the Revised Codes of Montana 1935, Relating to the Establishment of Voting Precincts Within or at an Indian Agency.

Be it enacted by the Legislative Assembly of the State of Montana:

Repealing clause.

Section 1. That Section 552 of the Revised Codes of Montana of 1935 shall be and the same hereby is repealed.

Effective date.

Section 2. That this act shall be in full force and effect from and after its passage and approval.

Approved February 11, 1941.

CHAPTER 9

An Act to Validate and Legalize Certain Contracts for the Purchase of Unredeemed Property From Counties by Its Former Owner in Certain Cases.

Be it enacted by the Legislative Assembly of the State of Montana:

Validation of certain contracts for purchase of tax title lands.

Section 1. That all installment contracts for the purchase of tax title lands heretofore entered into between any county and the former owner of such lands to which the county has taken tax deed, which contracts provide that deferred installments shall bear interest at the rate of four per cent (4%) instead of six per cent (6%) as provided by Section 4465.9, Revised Codes of Montana,

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1935, are hereby validated and legalized and no such contract shall be held invalid by reason of the provisions thereof relating to interest.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed. Repealing clause.

Section 3. This act shall be in full force and effect from and after its passage and approval. Effective date.

Approved February 11, 1941.

CHAPTER 10

An Act to Provide for the Making of Reports and Statements With Reference to Net Proceeds of Mines by Dissolved Corporations or Corporations Which Cease to Do Business, and the Payment of the Tax on Such Net Proceeds.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Every corporation which shall be dissolved or cease to do business in this State during any tax-paying year shall make all statements, reports and returns required by law to be made with reference to the net proceeds of mines, and pay the tax due for such period as it transacted business, on or before the date of such dissolution or cessation of business. The state board of equalization may grant a reasonable extension of time for filing a return upon good cause shown therefor. Dissolved corporations to make returns on net proceeds of mines and pay tax accrued.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed. Repealing clause.

Section 3. This act shall be in full force and effect from and after its passage and approval. Effective date.

Approved February 11, 1941.

CHAPTER 11

An Act to Provide for the Making of Reports and Statements With Reference to the Metals Mines License Tax by Dissolved Corporations or Corporations Which Cease

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to Do Business and the Payment of the Metalliferous Mines License Tax.

Be it enacted by the Legislative Assembly of the State of Montana:

Dissolved corporations to make returns re operation of mines and pay tax accrued.

Section 1. Every corporation which shall be dissolved or cease to do business in this State during any taxpaying year shall make all statements, reports and returns required by law to be made with reference to the carrying on of the business of working or operating any mine or mining property in this State from which gold, silver, copper, lead or any other metal or metals, precious or semi-precious gems or stones, are produced and pay the tax due for such period as it carried on such business, on or before the date of such dissolution or cessation of business. The state board of equalization may grant a reasonable extension of time for filing returns upon good cause shown therefor.

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 11, 1941.

CHAPTER 12

An Act to Repeal Sections 1181, 1182 and 1183 Revised Codes of Montana 1935, Relating to School Library Funds.

Be it enacted by the Legislative Assembly of the State of Montana:

Repealing clause.

Section 1. That Sections 1181, 1182 and 1183 Revised Codes of Montana, be, and each and all of them are hereby repealed.

Effective date.

Section 2. This act shall be in full force and effect on and after its passage.

Approved February 13, 1941.

CHAPTER 13

An Act Authorizing the Remission of Penalties and Interest Upon the Redemption of Real Property From Tax

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Sale, If Such Redemption Is Made on or Before May 31, 1942.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That from and after the passage and approval of this act, any person having an equitable or a legal interest in real estate heretofore struck off to any county when such property was offered for sale for delinquent taxes and certificate of such sale issued to the county and when no assignment of such certificate has been made, or on which the taxes are delinquent for the first installment of the year 1940, shall be permitted to redeem the same by paying the original taxes due thereon, without the payment of any penalty or interest thereon, provided such redemption be made on or before the thirty-first day of May, 1942.

Remission of penalty and interest upon redemption from tax sale.

The intent of this act is to modify existing laws relating to redemption from tax sales only to the extent that any redemptioner who shall exercise his right during the period of grace granted herein and before tax deed is taken, shall be relieved of the payment of penalty and interest which would otherwise be added to the amount of the original taxes accrued and nothing herein contained shall be construed so as to limit, restrict or prevent boards of county commissioners from ordering that application be made for the issuance of tax deeds, or the issuance of tax deeds to counties, or the assignment of certificates of tax sales in the manner now provided by law and to the same extent and effect as though this act had not been passed. This act shall not in any manner change the nature or effect of any tax deed issued to a county during said period of grace but all of such tax deeds shall, as heretofore, extinguish all rights of redemption on the part of former owners of said property, divest them of all interest in said property and create a new title.

Intent of act

Effect of tax deed not changed.

Section 2. County treasurers and city treasurers, in their respective counties and cities, shall cause to be published, in at least one (1) issue of the official newspaper of such county or city, a notice of such right of redemption and extension of time, such notice to be published within sixty (60) days from the approval of this act. It shall be the duty of the county treasurer of each county to mail notice to delinquent taxpayers to their last known address, advising them of their rights and the amount of delinquent

Publication of notice of rights of redemption.

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taxes under the provisions of this Chapter, within sixty (60) days after the approval of this act.

Severability of act.

Section 3. If any Section, Sub-section, sentence, clause, or phrase of this act is for any reason held unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The legislative assembly declares that it would have passed this act and each Section, Sub-section, sentence, clause and phrase thereof irrespective of the fact that any one or more Sections, Subsections, sentences, clauses, or phrases be declared unconstitutional, the same being necessary to the welfare of the State of Montana and the political subdivisions thereof by reason of the existence of an extraordinary emergency.

Effective date.

Section 4. This act shall be in full force and effect from and after its passage and approval.

Approved February 18, 1941.

CHAPTER 14

An Act Providing for the Disposition of All Moneys Received From Drivers License Fees, Corporation License Taxes, Electric Energy Producers License Taxes, Metalliferous Mines License Taxes, Telegraph License Taxes, Oil Producers License Taxes, Natural Gas Distributors License Taxes, Liquor License Taxes, Telephone License Taxes, Inheritance and Estate Taxes, Income Taxes, Montana Beer Act, Net Revenues From State Liquor Control Act, Moneys Collected and Received by Board of Railroad Commissioners of Montana, Public Service Commission of Montana, State Board of Health, Milk Control Board, State Auditor and Insurance Commissioner Ex-officio, Department of Agriculture, Labor and Industry, State Examiner, State Forester, Higher Educational Institutions, Reformatory, Custodial and Penal Institutions, State Hospitals and Sanitariums; Providing for the Transfer of Fund Balances to the State General Fund; Amending Sections 194, 1741.12, 2343.3, 2344.12, 2399, 2815.50 Revised Codes of Montana, 1935, Relating to License Taxes and Fees and the Disposition Thereof; and Repealing Sections 2295.28, 2303.12, 2355.9, 2408.9, 2815.157, 3645, 10400.44 and 10400.49, Revised

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Codes of Montana, 1935, and Subsection 1 of Section 11 of Chapter 87, Section 29 of Chapter 84, Section 7 of Chapter 91, Section 9 of Chapter 94, Section 11 of Chapter 199, and Section 7 of Chapter 201, of the Session Laws of 1937, and All Other Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The state treasurer shall deposit to the credit of the state general fund all moneys received by him on and after July 1, 1941, from the collection of automobile drivers license fees under Section 1741.11, electric energy producers' license taxes under Sections 2343.1 to 2343.9, inclusive, as amended, metalliferous mines license taxes under Sections 2344.1 to 2344.15, inclusive, telegraph license taxes under Sections 2355.1 to 2355.9, inclusive, oil producers' license taxes under Sections 2397 to 2408, inclusive, natural gas distributors license taxes under Sections 2408.1 to 2408.11, inclusive, liquor license taxes under Chapter 84 Session Laws 1937, as amended, telephone license taxes under Chapter 94 Session Laws of 1937, inheritance and estate taxes under Sections 10400.1 to 10400.51, inclusive, as amended, and seventy-five per centum (75%) of all moneys received from the collection of income taxes under Sections 2295.1 to 2295.34, inclusive, as amended and corporation license taxes under Sections 2296 to 2304, inclusive, as amended, the remaining twenty-five per centum (25%) thereof to be deposited to the credit of the common school equalization fund in order to comply with the provisions of Section 1a of Article XII of the Constitution of the State of Montana; provided, however, that the crediting of such moneys to such common school equalization fund shall have no relation to nor in any manner affect any appropriation made by any legislative assembly for such fund and shall not in any manner limit or restrict any such appropriation unless the amount so credited to such fund from such income tax collections in any one fiscal year shall equal or exceed the budget request for appropriation for such fund for such fiscal year; and the state treasurer shall also deposit to the credit of the state general fund all moneys received by him on and after July 1, 1941, from the collection of license taxes, fees and from all other sources under the operation of the Montana beer act, and being Sections 2815.10 to 2815.59, inclusive, as amended, and all net

Moneys to be deposited in state general fund.

Part of moneys from income taxes to be deposited in common school equalization fund.

Moneys from beer act.

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Net revenue from liquor control act.

revenues and receipts received by him from and under the operation of the state liquor control act, being Sections 2815.60 to 2815.163, inclusive, as amended.

Moneys collected by certain boards and departments

Section 2. That all moneys collected or received by or paid over to the board of railroad commissioners of Montana, public service commission of Montana, state board of health, milk control board, state auditor and insurance commissioner ex-officio, under the provisions of Section 2761, Revised Codes of Montana, 1935, department of agriculture, labor and industry, or any of the bureaus, divisions, officers or employees of any thereof, and to the state examiner and state forester, by way or on account of fees, licenses, or for any other purpose, on and after July 1, 1941, shall be paid over to the state treasurer who shall deposit the same to the credit of the general fund of the State.

Amendment of Sec. 194 Rev. Codes 1935.

Section 3. That Section 194, Revised Codes of Montana, 1935, be and the same is hereby amended to read as follows:

"194. **Support of State Institutions.** For the support and endowment of each and every of the state institutions of the State of Montana now existing or hereafter to be created there is annually and perpetually appropriated respectively:

1. The income from all permanent funds and endowments, and from all land grants as provided by law *and* all such contributions as may be derived from public or private bounty. *All such funds* shall be kept by the state treasurer in specific fund accounts, so entitled as to clearly indicate their purposes and sources." All moneys received or collected on and after July 1, 1941, by all higher educational institutions, reformatory, custodial and penal institutions, state hospitals, and sanitariums, for any purpose whatever, except such as may have been heretofore pledged to secure the payment of principal and interest of bonds issued in connection with the construction of buildings, or which may constitute temporary deposits, all or part of which may be subject to withdrawal or repayment, shall be paid over to the state treasurer who shall deposit the same to the credit of the general fund of the State.

Section 4. Any and all balances remaining in any fund or funds established, created, kept or maintained in the

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state treasurer's office for any of the license or tax laws, specifically mentioned in Section 1 of this act, or for any of the departments, or bureaus, or divisions thereof, or for any of the officers specifically mentioned in Section 2 of this act, or for any of the institutions or departments thereof specifically mentioned in Section 3 of this act, at the close of the fiscal year ending July 1, 1941, shall be, by such state treasurer, immediately after the close of such fiscal year, transferred to and shall become a part of the state general fund, excepting moneys for school purposes which under existing law may not be apportioned or distributed until after July 1, 1941.

Fund balances to be transferred to state general fund.

Section 5. That Section 1741.12, Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

Amendment of Sec. 1741.12 Rev. Codes.

"1741.12. **Fees, Fines and Forfeitures.** All fees, fines and forfeitures collected in any court from persons apprehended or arrested by patrolmen for violation of this act and the laws and regulations relating to the use of state highways and the operation of vehicles thereon must be paid to the state treasurer of Montana and by him credited to the general fund of the State; and at the time of payment of any such fee, fine or forfeiture there shall be filed with the state treasurer a complete statement showing the total of the fees, fines or forfeitures received or incurred, which statement shall give the title of the court and cause and be subscribed by the person or officer making such payment."

Section 6. That Section 2343.3 Revised Codes of Montana, 1935, as amended by Chapter 83 of the laws of 1937 be, and the same is hereby amended to read as follows:

Amendment of Sec. 2343.3 Rev. Codes

"2343.3. **Disposition of Revenue—Interest on Delinquency.** The state board of equalization shall receipt therefor and promptly turn the same over to the state treasurer. Taxes not met on the due date shall become delinquent and shall bear interest from said due date at the rate of twelve per cent (12%) per annum."

Section 7. That Section 2344.12 Revised Codes of Montana, 1935, be and the same is hereby amended to read as follows:

Amendment of Sec. 2344.12 Rev. Codes.

"2344.12. **License.** Whenever any license tax is paid under the provisions of this act the state board of equali-

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zation shall issue to the person paying the same a license authorizing such person to engage in and carry on such business until the first day of January immediately following the year for which such license tax is paid and such license issued."

Amendment of Sec. 2399 Rev. Codes.

Section 8. That Section 2399 Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

"2399. **Payment of Tax.** Such license tax shall be paid in quarterly installments for the quarterly periods ending respectively March 31, June 30, September 30 and December 31, of each year, and the amount of the license tax for each quarterly period shall be paid to the state board of equalization within thirty (30) days after the end of each quarterly period."

Amendment of Sec. 2815.50 Rev. Codes.

Section 9. That Section 2815.50 Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

"2815.50. **Revenue to Be Paid to State Treasurer—Audit of Books—Disposition of Revenue.** All fees, charges, taxes and penalties provided by this act collected by or under authority of the board, together with all revenues received from other sources under this act, shall be paid over to the state treasurer, and constitute a special fund to be designated "Montana beer act" fund, which, to the amount of ten per centum (10%) of the net amount of current revenues received and paid into the state treasury, shall be available for payment of the expenses of the board in the administration of this act, and the state examiner shall quarterly audit the books of the board in order to determine that the amount of money received as shown by the books of the board correspond with the books of the state treasurer. Whenever the amount of money in the "Montana beer act" fund shall exceed ten thousand dollars ($10,000), all in excess of five thousand dollars ($5,000) shall be by the state treasurer transferred to the state general fund."

Repealing Clause.

Section 10. That Sections 2295.28, 2303.12, 2355.9, 2408.9, 2815.157, 3645, 10400.44, 10400.49 Revised Codes of Montana 1935, Section 29 Chapter 84, Section 7 of Chapter 91, Subsection 1 of Section 11 of Chapter 87, Section 9 of Chapter 94, Section 11 of Chapter 199 and

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Section 7 of Chapter 201 Session Laws of Montana 1937, and all other acts and parts of acts in conflict herewith are hereby repealed; it being the purpose and intent of this act that the licenses, fees, taxes and revenues specifically enumerated and described in Sections 1, 2 and 3 of this act shall be deposited by the state treasurer to the credit of the state general fund and that no money shall be drawn from such fund but in pursuance of specific appropriations made by law, in conformity with the provisions of Section 10 of Article XII of the Constitution of the State of Montana.

Purpose of this act.

Section 11. This act shall be in full force and effect on and after July 1, 1941.

Effective date.

Approved February 18, 1941.

CHAPTER 15

An Act to Amend Section 4625 and Section 4753 of the Revised Codes of Montana of 1935, Relating to the Rate of Interest Paid by Counties in Montana, on County Warrants, "Not Paid for Want of Funds."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 4625, Revised Codes of Montana of 1935, be, and the same is hereby amended to read as follows:

Sec. 4625 Rev. Codes amended.

"Section 4625. All county warrants hereafter issued, after having been presented to the county treasurer for payment and by him endorsed "Not paid for want of funds in the treasury", from and after the date of such presentation and endorsement, shall draw interest at the rate of four (4%) per cent per annum."

Section 2. That Section 4753, Revised Codes of Montana of 1935, be, and the same is hereby amended to read as follows:

Sec. 4753 Rev. Codes amended.

"Section 4753. When any warrant hereafter issued is presented to the treasurer for payment and the same is not paid for want of funds, the treasurer must endorse thereon, "Not paid for want of funds", annexing the date of presentation, and sign his name thereto; and

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from that time until paid the warrant shall bear interest at four (4%) per cent per annum."

Repealing clause.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 4. This act shall be in full force and effect from and after its passage and approval.

Approved February 18, 1941.

CHAPTER 16

An Act Relating to an Emergency and to the Granting of Relief from Mortgage Foreclosures and from Execution Sales of Real Estate; Providing for Extending the Period of Redemption from Said Mortgage Foreclosures and Execution Sales, and Designating the Procedure to Obtain Such Relief and the Authority of Courts in Relation Thereto; Limiting the Right to Maintain Actions for Deficiency Judgments; Extending the Expiration of Certain Periods of Redemption, and Repealing All Acts and Parts of Acts in Conflict Herewith, But Act Not to Be Construed as Repealing Chapter 124 of the Twenty-sixth Legislative Assembly of the State of Montana, or Any Part Thereof.

Be it enacted by the Legislative Assembly of the State of Montana:

Emergency declared.

Section 1. **Emergency Declared to Exist.** The legislature of the State of Montana hereby declares that a public economic emergency does exist in the State of Montana.

Period of redemption from foreclosure or execution sale extended.

Section 2. **Period of Redemption May Be Extended.** Where any mortgage upon real property has been foreclosed and the period of redemption has not yet expired, or where a sale is hereafter had, in the case of real estate mortgage foreclosure proceedings, now pending, or which may hereafter be instituted prior to the expiration of two (2) years from and after the passage of this act, or upon the sale of any real property under any judgment or execution where the period of redemption has not yet expired, or where such sale is made hereafter within two (2) years from and after the passage

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of this act, the period of redemption may be extended for such additional time as the court may deem just and equitable but in no event beyond *March 1, 1943.*

Section 3. **Benefits of Act—How Invoked.** Any mortgager or execution debtor or judgment debtor who is lawfully in possession of land or lands during the pendency of mortgage foreclosure proceedings, or at the time of sale of land under judgment or execution sale, may avail himself of the relief authorized by this act in the following manner: At any time prior to the expiration of the period of redemption now provided by the laws of Montana any such person may apply to the district court having jurisdiction of the matter, on not less than ten (10) days' written notice to the mortgagee or judgment creditor, which notice may be served on the attorney of record of either, for an order determining the reasonable value of the income of said property, or if it has no income, then the reasonable rental value of the property involved in such sale, and permitting the applicant for such relief, to pay all or a reasonable part of the income or rental value of said property, to be applied to the payment of taxes, insurance, interest or to the mortgage or judgment indebtedness, at such times and in such manner as shall be fixed and determined by the court, and to thereupon obtain an extension of the period of redemption in accordance with the terms of this act.

Benefits of act—how invoked

Section 4. **Hearing and Order of Court.** The court shall thereupon hear said application and after taking testimony thereon, shall make and enter its order directing the payment by the applicant for relief under this act of such an amount at such times and in such manner as to the court shall, under all the circumstances of the case, appear just and equitable, to be applied as in this act provided. Such order to further contain such terms and conditions as to the care and operation of the mortgaged premises as to the court shall appear just and equitable.

Hearing and order of court.

Section 5. **Suspension of Period of Redemption.** Upon the filing of the application provided for in this act and the service of the notice of same as herein provided, the running of the period of redemption shall be tolled until the court shall make its order upon such application.

Running of period of redemption tolled.

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Effect of default by applicant.

Section 6. **Effect of Default by Applicant.** If at any time after the making of the order of court aforesaid, any applicant for relief under the terms of this act shall make default in the payments or any of them specified in the court's order, or in performance of any of the terms and conditions of the court's order, or shall commit any waste upon the premises involved, such default or commission of waste shall constitute grounds for the revocation of said order and for the termination of the applicant's right to redeem said land. If such default or commission of waste shall continue for a period of thirty (30) days, the mortgagee, judgment creditor or other persons whose rights have been effected by such order, may upon not less than ten (10) days notice to the applicant for relief under this act, apply to the district court for an order adjudging the applicant to have defaulted in the performance of the court's order and for the revocation of said order and the restriction of the right of redemption to the period theretofore provided by law. Said applicant shall be heard and the matter determined by the court who shall thereupon make and enter such order thereon as in its judgment the circumstances of the case warrant.

Relief where redemption period would expire in thirty days after date of act.

Section 7. **Extension of Period of Redemption in Certain Cases.** The time of redemption from all real estate mortgage foreclosures and from all execution sales of land heretofore made, which would under existing laws expire in less than thirty (30) days after the effective date of this act, are hereby extended to a time thirty (30) days after the effective date of this act, and any person who is entitled to relief hereunder, may avail himself of the benefits of this act in relation to such foreclosure or execution sales at any time prior to the expiration of said thirty (30) day period.

Court may revise terms previously fixed.

Section 8. **Court May Revise and Alter Terms.** Upon the application of either party prior to the expiration of the extended period of redemption as provided in this act and upon the presentation of evidence that the terms fixed by the court are no longer just and reasonable, the court may revise and alter said terms, in manner as the changed circumstances and conditions may require.

Certain deficiency judgments prohibited.

Section 9. **Certain Deficiency Judgments Prohibited.** Until *March 1, 1943*, no deficiency judgment shall be entered or given in this State on any real estate mortgage fore-

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closure action now or hereafter pending in this State until the period of redemption now allowed by the laws of Montana or as extended under the provisions of this act, has expired.

Section 10. **Application of Act.** This act as to mortgage foreclosures shall apply only to mortgages made prior to the passage and approval of this act but shall not apply to mortgages made prior to the passage of this act which shall hereafter be renewed or extended for a period ending more than one (1) year after the passage of this act; neither shall this act apply in any way which would allow a resale, stay, postponement or extension to such time that any right might be adversely affected by a statute of limitations.

Application of act limited.

Section 11. The provisions of this act shall not apply to any mortgage while such mortgage is held by the United States or by any agency, department, bureau, board, or commission thereof, as security or pledge of the maker, its successors, or assigns, nor shall the provisions of this act apply to any mortgage held as security or pledge to secure payment of a public debt or to secure payment of the deposit of public funds, nor shall the provisions of this act apply to any note or mortgage insured by the federal housing administrator.

Act not applicable to mortgages held by United States or agency thereof.

Section 12. All acts and parts of acts in conflict herewith are hereby repealed, but nothing herein contained shall be construed as repealing Chapter 124 of the twenty-sixth legislative assembly of the State of Montana, or any part thereof.

Repealing clause.

Section 13. This act shall take effect and be in force from and after its passage and approval.

Effective date

Approved February 18, 1941.

CHAPTER 17

An Act to Amend Section 2211 of the Revised Codes of Montana of 1935, Relating to Piecemeal Redemption of Real Property Sold for Taxes.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2211 of the Revised Codes of Montana of 1935 be and the same is hereby amended to read as follows:

Sec. 2211 Rev. Codes amended.

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"Section 2211. Whenever any person, firm, co-partnership, corporation or association shall desire to redeem from a tax sale and pay all subsequent taxes upon any lots, piece or parcel of real estate, which said person, firm, co-partnership, corporation or association shall own or hold a mortgage or other lien against or *when such person, firm, co-partnership, corporation or association shall be the owner of or have some interest* in such property, it shall be the duty of the county treasurer of the county in which such real estate is situated to permit such redemption and payment; and in case the said real estate shall have been assessed and sold, together with other real estate, or in case the tax assessed against any other property shall be a lien thereon, then it shall be the duty of said county treasurer to compute and apportion the tax that should have properly been assessed against the said real estate sought to be redeemed, and upon which the taxes are sought to be paid, the same as if said property had been separately assessed. Any personal property tax which is a lien upon said real estate shall be likewise computed and apportioned on the same percentage basis as the tax assessed against the real estate is apportioned.

Redemption from tax sale.

Apportionment of tax where part of land is redeemed.

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 18, 1941.

CHAPTER 18

An Act to Amend Chapter 202 of the Laws of 1937 of the State of Montana, providing the Method for Computing Certain Deductions Allowable on the Net Proceeds Tax in the Production of Petroleum and Natural Gas in Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Chap. 202 Laws of 1937 amended.

Section 1. That Chapter 202 of the Laws of 1937 of the State of Montana be and the same is hereby amended so as to read as follows:

"Chapter 202. The state board of equalization in computing the deductions allowable for expenditures under Section 2090 of the Revised Codes of the State of Montana

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on petroleum and natural gas production, shall compute and allow deductions for any *capital* expenditures made prior to the year for which any such statement is made, where the same have not been previously allowed in computing such net proceeds under the laws of the State of Montana; provided that no such deductions shall be allowed on account of any expenditures made during any calendar year prior to the year 1936; and provided further that no deductions shall be allowed for expenditures except for the calendar year for which the computation is made and the calendar year preceding the year for which the computation is made."

Deductions allowable for capital expenditures.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Effective date.

Approved February 18, 1941.

CHAPTER 19

An Act to Amend Section 9394 of the Revised Codes of Montana, 1935, by Making a Part of the Bill of Exceptions the Opinion of the Trial Court, If One Be Made in Writing, Relating to Any of the Matters Contained in the Judgment Roll and Bill of Exceptions.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 9394 of the Revised Codes of Montana, 1935, be and the same is hereby amended to read as follows:

Sec. 9394 Rev. Codes amended.

"Section 9394. **Bills of Exception May Contain All Material Rulings.** Hereafter all district courts and judges, on settlement and allowance of any bill of exceptions at any stage of the trial of a cause, shall, upon demand of either party, or, in the discretion of said court or judge upon its or his own motion, incorporate into such bill of exceptions all rulings, or orders, or proceedings made in the cause against either of the parties, affecting the substantial rights of either, together with the objections and exceptions thereto properly made and reserved, *and the opinion of the trial court, if one be made in writing, relat-*

Bills of exceptions may incorporate material rulings.

Opinion of trial court.

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ing to any of the matters in the judgment-roll and the bill of exceptions, and the same shall be settled and allowed as a part of such bill.

Section 2. That all acts and parts of acts in conflict herewith are hereby repealed.

Approved February 18, 1941.

CHAPTER 20

An Act to Amend Section 1805.21, Revised Codes of Montana of 1935, as Amended by Chapter 65, Laws of the Twenty-sixth Legislative Assembly of 1939, Related to the Renewal of Leases on State Lands, and to Repeal Section 1805.35, Revised Codes of Montana of 1935.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 1805.21 Rev. Codes further amended.

Section 1. That Section 1805.21, Revised Codes of Montana of 1935, as amended by Chapter 65, Laws of the Twenty-sixth Legislative Assembly of 1939, be and the same is hereby amended to read as follows:

Renewal of leases—preference right of former lessee.

"Section 1805.21. **Renewal of Leases**—*preference right of former lessee.* A lessee who has paid all rentals due from him to the state and not violated the terms of his lease *shall* be entitled to have his lease renewed at any time within thirty (30) days prior to its expiration for an additional period of not exceeding ten (10) years, *providing that no other application or applications for lease of the land have been received thirty (30) days before the expiration of the lease. In case such other application or applications have been received, the holder of the lease, if he has paid all rentals due to the state and not violated the terms of his lease, shall have the preference right to lease the lands covered by his former lease to the extent that he may take the lease at the highest bid made by any other applicant.*"

Repealing clause.

Section 2. Section 1805.35, Revised Codes of Montana of 1935 is hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 18, 1941.

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CHAPTER 21

An Act Prescribing the Hours of Labor for Persons Employed in or About Public Amusements, and providing Penalties for a Violation Thereof, and Repealing All Acts in Conflict Therewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. A period of not to exceed eight (8) hours shall constitute a day's work, and a period of not to exceed forty-eight (48) hours shall constitute a week's work for persons employed or working in or participating in and about any carnival, circus, derby show, walkathon, marathon dance, marathon race, marathon walk or other endurance contest, by whatever name it may be called, within the State of Montana. The hours of work must be so arranged that persons employed in or participating or contesting in such an exhibition, show or contest shall not be on duty more than eight (8) hours in the aggregate of any twelve (12) consecutive hours; and such persons shall have at least twelve (12) consecutive hours off duty. Provided, however, that the provisions of this act shall not apply to any traveling circus or carnival which does not remain in any one county of the State of Montana for a period of more than three (3) days; and shall not apply to any person or persons working more than eight (8) hours in each twelve (12) hours for the purpose of relieving another employee in case of sickness, or where a breakdown in machinery occurs, or where life or property is in imminent danger.

Hours constituting days work, weeks work.

Exceptions.

Section 2. Any person, corporation, agent, manager, employer, employee, contestant or participant who shall violate the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be punished for the first offense by a fine of not less than fifty ($50.00) dollars; and for a second offense he shall be punished by a fine of not less than one hundred ($100.00) dollars nor more than five hundred ($500.00) dollars, or by imprisonment in the county jail for not less than ninety (90) days nor more than six (6) months, or by both such fine and imprisonment; and for a third or subsequent offense he shall be punished by a fine of five hundred ($500.00) dollars and imprisonment in the county jail for a term of six (6) months. Each day's violation of

Violation constitutes misdemeanor.

Penalty.

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this act shall constitute a separate offense within the meaning of this act.

Repealing clause.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 18, 1941.

CHAPTER 22

An Act to Amend Section 3742 of the Revised Codes of Montana 1935, as Amended by Chapter 115 of the Laws of 1939, Relating to Transportation, Possession and Disposal of Game Animals or Parts Thereof and to Exclude From the Provisions Thereof the Hides and *Antlers* of Elk and Deer.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 3742 Rev. Codes further amended.

Section 1. That Section 3742 of the Revised Codes of Montana, 1935, as amended by Chapter 115 of the Laws of 1939 be, and the same is hereby amended to read as follows:

"Section 2. **Unlawful to Transport, Possess or Dispose of Animals or Parts of Animals Except Under Permit—Exceptions—Penalty.** It is hereby made unlawful for any person to purchase, sell, offer to sell, possess, ship, or transport within or out of the state any game fish, wild bird, game or fur-bearing animal or part thereof, protected by the laws of this State, or coming from without the State whether belonging to the same or different species from that native to the State of Montana, except as specifically permitted by this act. The provisions of this Section shall not apply to the plumage of wild waterfowl lawfully killed when purchased or sold for other than millinery purposes, or to birds or animals collected or possessed under a permit issued by the proper state fish and game warden for scientific or propagating purposes, nor shall the provisions of this Section be construed to prohibit the purchase, sale or offering for sale, shipping, transporting, or possession for sale, any head, skin, or scalp, mounted or unmounted, or any full-sized mount of any game animal lawfully killed, provided the seller, before selling any such specimen shall first obtain from the state fish and game warden a permit authorizing him to sell it.

Unlawful to transport, possess or dispose of certain animals or parts thereof except under permit.

Exceptions

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nor to the sale of fur-bearing animals, or the skins of fur-bearing animals, except untagged beaver skins, not to the export of fur-bearing animals or the skins of fur-bearing animals under proper permit of the state fish and game warden, provided, however, that the hides *and antlers (not including the head or skull)* of elk and deer are specifically excluded from the provisions of this Section. Any person violating any of the provisions of this Section shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished as hereinafter provided."

Violation a misdemeanor

Section 2. All acts or parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 3. This act shall take effect and be in full force from and after its passage and approval.

Effective date

Approved February 18, 1941.

CHAPTER 23

An Act to Amend Section 6014.31 of the Revised Codes of Montana, 1935, *Relating to Limitation of Loans on Real Estate by Banks*, and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 6014.31 of the Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

Sec. 6014.31 Rev. Codes amended.

"6014.31 Any commercial bank organized under the laws of the State of Montana may make real estate loans, secured by first liens upon improved real estate, including improved farm land and improved business and residential properties and may purchase any obligation so secured when the entire amount of such obligation is sold to the bank. Provided that, the amount of any such loan hereafter made shall not exceed fifty per centum (50%) of the appraised value of the real estate offered as security, and no such loan shall be made for a longer period than five (5) years, except that:

Commercial banks may make real estate loans

Amount of loan limited

"(1) Any such loan may be made in an amount not to exceed sixty per centum (60%) of the appraised value

Appraised value of security

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Term of loan.

of the real estate offered as security and for a term not longer than ten (10) years if such loan is secured by an amortized mortgage, deed of trust or other such instrument, under the terms of which the installment payments are sufficient to amortize forty per centum (40%) or more of the principal of the loan within a period of not more than ten (10) years; and

Exceptions.

"(2) The foregoing limitations and restrictions shall not prevent the renewal or extension of loans heretofore made and shall not apply to real estate loans which are insured under the provisions of any act of the congress of the United States.

Aggregate amount of such loans.

"No such commercial bank shall make such loans in an aggregate sum in excess of the amount of its capital stock paid in and unimpaired plus the amount of its unimpaired surplus or in excess of sixty per centum (60%) of the amount of its time and saving deposits, whichever is the greater.

Loans for six months or less.

"Loans made to finance the construction of residential or farm buildings and having maturities of not to exceed six (6) months, whether or not secured by a mortgage OR A SIMILAR LIEN ON REAL ESTATE UPON WHICH THE RESIDENTIAL or farm building is being constructed, shall not be considered as loans secured by real estate within the meaning of this act, but shall be classed as ordinary commercial loans, provided that no commercial bank shall invest in or be liable on any such loans in an aggregate amount in excess of fifty per centum (50%) of its actually paid in and unimpaired capital.

Loans discounted against by Federal Reserve bank or participated in by Reconstruction Finance Corporation.

"Loans made to establish rural or commercial businesses which are in whole or in part discounted or loaned against as security by a federal reserve bank for any part of which a commitment shall have been made by a federal reserve bank or in which the reconstruction finance corporation cooperated or purchases a participation in, shall not be subject to the restrictions or limitations of this act upon loans secured by real estate, provided any commercial bank in this State shall from time to time have the same authority to make loans upon real estate as may be given by acts of congress of the United States or the federal reserve system to national banks or banks members of the federal reserve system."

Proviso.

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These provisions, however, shall not prevent any bank from taking another and immediately subsequent mortgage or deed of trust when it already holds a first mortgage or deed of trust thereon on such real estate, nor from accepting a second lien on real estate to secure the re-payment of a debt previously contracted in good faith; nor shall it prevent subsequent liens of any kind from being taken to secure the payment of a debt previously contracted in good faith, when, in the the judgment of the directors of such bank, such subsequent liens are necessary further to secure the payment of any debts and save such bank from loss; provided, the term "commercial bank" as used in this Section, shall mean a bank organized to do the business specified in Sections 6014.4 to 6014.8 of this Code, only.

Second mortgages.

"Commercial bank."

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Approved February 18, 1941.

CHAPTER 24

An Act Authorizing the State Board of Examiners of the State of Montana to Issue and Sell Refunding Bonds for the Purpose of Providing Funds to Pay Outstanding Montana State Insane Asylum Revenue Bonds; Providing the Methods Therefor; and Appropriating Money for Carrying Out the Provisions of this Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The state board of examiners of the State of Montana is hereby authorized to issue and sell refunding bonds for the purpose of providing funds to pay outstanding Montana state insane asylum revenue bonds, as authorized in Chapter 17 of the extraordinary session, 1933-1934, which are now subject to call.

Issuance of bonds authorized.

Section 2. The aggregate amount of the bonds issued under this act shall not exceed the sum of two hundred fifty-one thousand dollars ($251,000.00).

Aggregate amount.

Section 3. The bonds issued under the provisions of this act shall be either amortization bonds, as defined

Kind of bonds —maturity.

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by the statutes of the State, or serial bonds and shall be payable through a period of time to be fixed by the state board of examiners not exceeding twenty (20) years from the date of issue.

Interest.

Section 4. The bonds shall draw interest at the lowest rate at which they can be sold at par, not exceeding four per centum (4%) per annum, payable semi-annually, and the principal and interest shall be payable at the office of the state treasurer, Helena, Montana, or at the option of the holder at the Chase National Bank of the City and State of New York.

Place of payment.

Content, form, execution and registration.

Section 5. The bonds shall bear upon their face the words "refunding insane asylum bonds of the State of Montana", and shall be signed by the members of the state board of examiners and the great seal of the State of Montana shall be affixed to each bond. Each of the said bonds shall have coupons attached thereto showing the semi-annual payments due thereon, which coupons may be signed with the facsimile signature of each member of the state board of examiners, if so recited in the bond. The state board of examiners is hereby authorized to prescribe all other details for the form of the bonds. The bonds shall be registered in the office of the state treasurer in a book provided for that purpose.

Sale of bonds.

Section 6. The bonds provided for under this act shall be sold by the state board of examiners in such manner as they shall deem for the best interests of the State, providing that no bond shall be disposed of for less than its par value.

Payable from designated fund.

Section 7. The principal and interest of the bonds authorized by this act shall be paid out of the fund created for the payment of interest and principal of the Montana state insane asylum revenue bonds.

Application of bond proceeds.

Section 8. All moneys received from the sale of the bonds authorized by this act shall be paid into the state treasury, and must be by the state treasurer applied to the payment and redemption of the redeemable and outstanding insane asylum revenue bonds of the State of Montana.

Appropriation.

Section 9. There is hereby appropriated out of the general fund of the State of Montana, the sum of one

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thousand dollars ($1,000.00) for carrying out the provisions of this act.

Section 10. This act shall be in full force and effect from and after its passage and approval. Effective date.

Section 11. All acts and parts of acts in conflict herewith are hereby repealed. Repealing clause.

Approved February 19, 1941.

CHAPTER 25

An Act to Amend Sections 5309.1 to 5309.36 Inclusive of the Revised Codes of Montana of 1935, Embodied in Chapter 404 Thereof, Relating to the Creation and Operation of Housing Authorities by Adding Thereto a New Section 5309.37 Providing a Method for Dissolving a Housing Authority, and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Sections 5309.1 to 5309.36 inclusive of the Revised Codes of Montana of 1935, embodied in Chapter 404 thereof, be, and the same are, hereby amended by adding another section thereto, as follows: Sections 5309.1 to 5309.36 Rev Codes amended

"Section 5309.37. If after the lapse of two years from the creation of a housing authority by the filing and recording in the office of the secretary of state of the application as provided in Section 5309.4 of the Revised Codes of Montana of 1935, no housing project has been commenced and no contract has been signed by the council or the mayor on behalf of the municipality with the housing authority or United States housing authority providing for contributions by the municipality either in cash or by tax remissions or exemptions in aid or support of any such housing project, such housing authority may be dissolved in the manner following: At any regular meeting of the council, without any previous notice, the council may, in its discretion, adopt a resolution declaring that dwelling accommodations in the city and surrounding area are such that there is no need for the construction of any housing project and that the need for the creation of a housing authority no longer exists, and that the same be Housing authority may be dissolved —when. Method for dissolution

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disbanded and dissolved, which resolution shall be spread upon the minutes of the meeting of the council. Thereupon a copy of the said resolution shall be duly certified by the mayor and city clerk and filed for record in the office of the secretary of state, whereupon and from thenceforth the said housing authority shall be and become dissolved and all functions thereof cease and the commissioners thereof discharged from any further duties or powers."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 18, 1941.

CHAPTER 26

An Act to Amend Section 12297 of the Revised Codes of Montana of 1935, Relating to the Power of the County Commissioners to Establish Youth Homes; Qualifications of Superintendent; Funds for the Administration of Youth Homes.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 12297 Rev. Codes amended.

Section 1. That Section 12297 of the Revised Codes of Montana 1935, be and the same hereby is amended to read as follows:

Authority and duty of county commissioners to provide a youth home.

"Section 12297. The county commissioners of all counties to which this act applies are hereby authorized, empowered, and required to provide the necessary funds and to make all needful appropriations to carry out the provisions of this act; and in counties with a population of over thirty thousand (30,000) inhabitants, the county commissioners shall provide and in other counties may provide, by purchase, lease or otherwise, a place to be known as a *youth* home, *which shall* not *be* used for the confinement of adult persons charged with criminal offenses, where delinquent, dependent, or neglected children may be detained, until final disposition, which place shall be maintained by the county as in other like cases. And in counties having a population in excess of thirty thousand

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(30,000) the judge having jurisdiction may appoint a superintendent and matron subject to ratification of the juvenile improvement committee, who shall have charge of such home and of the delinquent, dependent and neglected minors detained therein.

Matron and superintendent in certain counties.

"Such superintendent and matron shall be a suitable and discreet person, qualified as teacher of children. Such home shall be furnished in a comfortable manner, as nearly as may be as a family home. The compensation of such superintendent and matron shall be fixed by the county commissioners, such compensation and the maintaining of such home shall be paid out of the county treasury, upon a warrant of the county auditor, which shall be issued upon itemized vouchers sworn to by the superintendent and certified by the judge.

"When such *youth* home is provided for by the county commissioners, the said commissioners shall enter an order on their journal, transferring to the proper fund, from any other fund or funds of the county, in their discretion, such sums as may be necessary to purchase or lease said home and properly furnish and conduct the same and pay the compensation of the superintendent and matron. Said commissioners shall likewise, upon the appointment of probation officers, as provided in this act, transfer to the proper fund, from any other fund or funds of the county, in their discretion, such as may be necessary to pay such probation officers as provided for herein, such transfer to be made on the authority of this act alone.

Transfer of necessary sums from other funds.

"At the next levying period provision shall be made for the expenses of the court, as herein provided."

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 3. This act shall be in full force and effect from and after passage and approval.

Effective date.

Approved February 18, 1941.

CHAPTER 27

An Act to Amend Section 4250 of the Revised Codes of Montana, 1935, as Amended by Chapter 146 of Session

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Laws of Montana, 1939, Relating to Weights and Measures.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 4250 Rev. Codes further amended.

Section 1. That Section 4250 of the Revised Codes of Montana, 1935, as amended by Chapter 146 of the Session Laws of 1939, be, and the same hereby is amended to read as follows:

"Section 4250. If any weights, measures, *scales* or balances can be readily adjusted by such means as the sealer of weights and measures, or his deputies, may have at hand, he, or they may adjust and seal them, but if they cannot be readily adjusted he, or they, shall affix to such weights, measures, *scales* or balances a notice forbidding their use until he, or they are satisfied they have been so adjusted as to conform with the standard. It shall be unlawful for any person to remove such notice, without the written consent of the officer affixing the same, *unless proper repairs have first been made. And in case said notice is removed without such written consent, before proper repairs have been made, the owner, manager, proprietor, lessee or anyone in active control of the business in connection with which said weights, measures, scales or balances are used after such removal of said notice, shall be deemed guilty of a misdemeanor and shall be punished accordingly.*"

Notice to be affixed to weights, measures, scales and balances not adjusted.

Penalty.

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 18, 1941.

CHAPTER 28

An Act to Provide for Credit on Personal Income Tax for Amounts Paid as Income Tax on the Same Income to Other States in Certain Cases.

Be it enacted by the Legislative Assembly of the State of Montana:

"This act" defined

Section 1. *Definition. That whenever the phrase "this act" appears herein, it refers to Chapter 204 of the Re-*

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vised Codes of Montana of 1935, relating to personal income taxes and all acts amendatory thereof and supplementary thereto.

Section 2. *(a) Resident taxpayers. Subject to the following conditions, residents of this State shall be allowed a credit against the taxes imposed by this act for net income taxes imposed by and paid to another state or country on income taxable under this act:*

Credit allowed resident taxpayers.

(1) The credit shall be allowed only for taxes paid to such other state or country on income derived from sources within such state or country which is taxable under the laws of such state or country irrespective of the residence or domicil of the recipient;

(2) The credit shall not be allowed if such other state or country allows residents of this State a credit against the taxes imposed by such state or country for taxes paid or payable under this act;

(3) The credit shall not exceed such proportion of the tax payable under this act as the income subject to tax in such other state or country and also taxable under this act bears to the taxpayer's entire income upon which the tax is imposed by this act.

(b) Nonresident taxpayers. Subject to the following conditions, nonresidents of this State, shall be allowed a credit against the taxes imposed by this act for net income taxes imposed by and paid to the state or country of residence on income taxable under this act:

Credit allowed non-resident taxpayers.

(1) The credit shall be allowed only if the state or country of residence either does not tax income of residents of this State derived from sources within such state or country or allows residents of this State a credit against the taxes imposed by such state or country on such income for taxes paid or payable thereon under this act;

(2) The credit shall not be allowed for taxes paid to a state or country which allows its residents a credit against the taxes imposed by such state or country for income taxes paid or payable under this act, irrespective of whether its residents are allowed a credit against the taxes imposed by this act for income taxes paid to such state or country;

(3) Credit shall be allowed only for such proportion of the taxes paid to the state or country of residence as

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the income taxable under this act and also subject to tax in the state or country of residence bears to the entire income upon which the taxes paid to the state or country of residence are imposed;

(4) The credit shall not exceed such proportion of the tax payable under this act as the income subject to tax in the state or country of residence and also taxable under this act bears to the entire income taxable under this act.

Estates or trusts.

(c) Estates or trusts. For the purposes of this Section an estate or trust shall be considered a resident of the state or country which taxes the income of the trust or estate irrespective of whether the income is derived from sources within such state or country. If an estate or trust is a resident of this State and also a resident of another state or country, it shall, notwithstanding the limitations contained in Subsections (a) and (b) of this section be allowed a credit, subject to the following conditions, against the taxes imposed by this act for net income taxes imposed by and paid to such other state or country:

(1) Credit shall be allowed only for such proportion of the taxes paid to such other state or country as the income taxable under this act and also subject to tax in such other state or country bears to the entire income upon which the taxes paid to such other state or country are imposed;

(2) The credit shall not exceed such proportion of the tax payable under this act as the income subject to tax in such other state or country and also taxable under this act bears to the entire income taxable under the act.

Resident beneficiary.

(d) Resident beneficiary. A resident beneficiary of an estate or trust who is taxable on the income of the estate or trust pursuant to the provisions of Subsection (c) of Section 12 shall, subject to the following conditions, be allowed a credit against the taxes imposed by this act on such income for net income taxes paid by the estate or trust to another state or country on such income:

(1) Credit shall be allowed only for such proportion of the tax paid to such other state or country by the estate or trust as the income of the estate or trust which is taxable to the beneficiary under this act and also taxed to the estate or trust in such other state or country bears to

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the entire income of the estate or trust upon which the taxes paid to such other state or country were imposed;

(2) The credit shall not exceed such proportion of the tax payable under this act as the income of the estate or trust which is taxable to the beneficiary under this act and also taxed to the estate or trust in such other State or country bears to the beneficiary's entire income upon which the tax is imposed by this act.

(e) Taxes credited or refunded. If any taxes paid to another state or country for which a taxpayer has been allowed a credit under this act are at any time credited or refunded to the taxpayer, such fact shall immediately be reported by the taxpayer to the commissioner. A tax equal to the credit ALLOWED for such taxes so credited or refunded shall be due and payable from the taxpayer upon notice and demand from the commissioner. Interest shall be added to and collected as a part of such tax at the rate of six per cent per annum from the date the credit was allowed under this act to the date of the notice and demand. If such tax and the interest thereon is not paid within ten days from the date of notice and demand, there shall be collected as a part of the tax interest upon the unpaid amount at the rate of six per cent per annum from the date of such notice and demand until it is paid.

Taxes credited or refunded.

The taxes credited against the taxes imposed by this act on any taxpayer or any class or classes of taxpayers for net income taxes paid to another state or country shall not be allowed if the allowance of such credit will result in an invalid or illegal discrimination against another taxpayer or another class or classes of taxpayers.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Approved February 19, 1941.

CHAPTER 29

An Act to Amend Section 2295.10, Relating to Exemptions and Change of Status of Taxpayer During the Taxable Year for Personal Income Tax Purposes.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2295.10, of the Revised Codes

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Sec. 2295.10 Rev. Codes amended.

of Montana of 1935, be and the same is hereby amended to read as follows:

Exemptions allowed to taxpayers.

"Section 2295.10. The following exemptions shall be allowed to any taxpayer:

To single persons.

(1) In the case of a single person or of a married person not living with or supporting a husband or wife or family, a personal exemption of one thousand dollars ($1,000.00).

To heads of families.

(2) In the case of the head of a family or a married person living with a husband or wife, a personal exemption of two thousand dollars ($2,000.00). A husband and wife living together shall receive but one personal exemption, the amount of which shall be two thousand dollars ($2,000.00). If such husband and wife make separate returns, the personal exemption shall be equally divided between them.

For dependents (other than husband and wife.)

(3) Three hundred dollars ($300.00) for each person (other than husband and wife) dependent upon and receiving his chief support from the taxpayer, if such dependent person is under eighteen (18) years of age or is incapable of self support because mentally or physically defective.

Change of status of taxpayer.

(4) The exemptions allowed by subdivisions one (1) and two (2) of this section shall, in case the status of the taxpayer changes during the taxable year, be the sum of (a) an amount which bears the same ratio to one thousand dollars ($1,000.00) as the number of months during which the taxpayer was unmarried or a married person not living with husband or wife bears to twelve (12) months, plus (b) an amount which bears the same ratio to two thousand dollars ($2,000.00) as the number of months during which the taxpayer was a married person living with husband or wife or was the head of a family bears to twelve (12) months. For the purposes of this subdivision a fractional part of a month shall be disregarded unless it amounts to more than half a month, in which case it shall be considered as a month.

Apportionment of exemption and credit.

(5) *If the status of the taxpayer, insofar as it affects the personal exemption or credit for dependents, changes during the taxable year, the personal exemption and credit shall be apportioned in accordance with the number of months before and after such change. For the purpose*

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of such apportionment a fractional part of a month shall be disregarded unless it amounts to more than half a month in which case it shall be considered as a month.

(6) In the case of an individual who dies during the taxable year, the exemptions allowed by subdivisions one (1), two (2) and three (3) of this section shall be determined by his status at the time of his death, and in such case, full exemption shall be allowed to the surviving spouse, if any, according to his or her status at the close of the taxable year.

Death of individual during taxable year.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Approved February 19, 1941.

CHAPTER 30

An Act to Re-enact Chapter 140, of the Twenty-sixth Legislative Assembly, 1939, an Act to Permit Payment of Delinquent Installments on Certificates of Purchase of State Lands Without Paying Penalty Interest, Providing Such Installments be Paid on or Before December 1, 1942.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. From and after the passage and approval of this act, any holder of a certificate of purchase of state lands under which any installments are delinquent shall be permitted to pay such delinquent installment or installments without the payment of any penalty interest thereon. Such payment must be made on or before the first day of December, 1942, and if not made on or before said date, then payment thereof can be made only by payment of such installment or installments with accrued penalty interest as now provided by law.

Remission of penalty interest.

Installments to be paid, when.

Section 2. The provisions of Section 1 hereof shall apply to payments of delinquent installments by persons applying under the provisions of Section 1805.89, Revised Codes of Montana, 1935, for reinstatement of a canceled certificate of purchase, and application for such reinstatement of any canceled certificate may be made within six (6) years of such cancellation, if made during the

Reinstatment of cancelled certificates.

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period of operation of this act as set forth in Section 1 hereof.

Notice to be mailed to beneficiaries of this act.

Section 3. It shall be the duty of the commissioner of state lands to mail notice to holders of certificates of purchase of state lands upon which any installment or installments are delinquent and to any persons who held certificates of purchase of state lands which are canceled, if the lands embraced therein have not been resold, to their last known address, advising them of their rights and the amount of delinquent installments, under the provisions of this act, within sixty (60) days from and after its passage and approval.

Severability of act.

Section 4. If any Section, Sub-section, sentence, clause or phrase of this act is for any reason held unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The legislative assembly declares that it would have passed this act and each Section, Subsection, sentence, clause and phrase thereof irrespective of the fact that any one or more Sections, Sub-sections, sentence, clause or phrase be declared unconstitutional, the same being necessary to the welfare of the State of Montana and the political subdivisions thereof by reason of the existence of an extraordinary emergency.

Effective date.

Section 5. This act shall be in full force and effect from and after its passage and approval.

Conflicting acts stayed.

Section 6. This act stays the operation of all acts and parts of acts in conflict herewith until the first day of December, 1942, but does not otherwise affect such acts or parts of acts.

Approved February 19, 1941.

CHAPTER 31

An Act to amend Section 1223 of the Revised Codes of Montana, 1935, Relating to the Challenging of Voters, or of Electors and the False Affidavit of Electors on School District Elections for the Purpose of Extra Taxation and Repealing All Acts or Parts of Acts in Conflict Herewith.

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Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Section 1223 of the Revised Codes of Montana, 1935, shall be and the same is hereby amended to read as follows: Sec. 1223 Rev. Codes amended

"Section 1223. **Challenging Voters—Oath of Elector —False Swearing.** Any person offering to vote may be challenged by any elector of the district, and the judges must thereupon administer to the person challenged an oath or affirmation, in substance as follows: Challenging voters.

'You do solemnly swear (or affirm) that you are a citizen of the United States; that you are twenty-one years of age; that you have resided in this State one year and in this school district thirty days next preceding this election; that you are a *taxpayer* on the last assessment roll from this school district; and that you have not voted this day. So help you God.' Oath of elector.

Said oath shall be reduced to writing and signed by the person challenged and sworn to before one of the judges of election. Said oath or affirmation shall be returned with the ballots cast at such election. If the voter takes oath or affirmation, his vote must be received; otherwise, it will be rejected. Any person who shall swear falsely before any such judge of election shall be guilty of perjury, and shall be punished accordingly." False swearing.

Section 2. All acts and parts of acts in conflict herewith, are hereby repealed. Repealing clause.

Section 3. This act shall be in full force and effect from and after its passage and approval. Effective date.

Approved February 24, 1941.

CHAPTER 32

An Act to Amend Section 717 of the Revised Codes of Montana of 1935, Relating to the Form of Application for Absent Voter's Ballot.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 717 of the Revised Codes of Montana of 1935, be, and the same is hereby amended to read as follows: Sec. 717 Rev. Codes amended.

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"Section 717. **Form of Application.** Application for such ballots shall be made on a blank to be furnished by the county clerk of the county of which the applicant is an elector, or the city or town clerk, if it be municipal, general, special or primary election, and shall be in substantially the following form:

Form of application.

'I, ..., a duly

qualified elector of the .....

precinct, in the county of .....,

and State of Montana, and to the best of my knowledge and belief entitled to vote in such precinct in the next election *and* expecting to be absent from the said county on the day for holding such election, hereby make application for an official ballot to be voted by me at the said election.

.....

Post Office address to which ballot is to be mailed.

....." ''

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 24, 1941.

CHAPTER 33

An Act to Amend Section 6014.123 of the Revised Codes of Montana of 1935, Relating to and Prohibiting the Giving of Security for Deposits by Banks, and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 6014.123 Rev. Codes amended.

Section 1. That Section 6014.123 of the Revised Codes of Montana of 1935, be, and the same is hereby amended to read as follows:

Giving security for deposit prohibited.

"Section 6014.123. **Giving Security for Deposit Prohibited.** It shall be unlawful for any bank to pledge, mortgage or hypothecate to any depositor any of its real or personal property as security for any deposit and any pledge, mortgage or hypothecation made in violation there-

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of shall be unenforceable; provided, however, that this provision shall not apply to any deposits of money of the United States and public funds deposited in accordance with the provisions of any depository act of this State, or the United States, *or bankruptcy estate funds or deposits, also deposits of receivers or trustees in bankruptcy, deposited under the direction and supervision of a court of record of the State of Montana or of the United States.*"

Exceptions.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Approved February 24, 1941.

CHAPTER 34

An Act to Amend Sections 2778.6 and 2778.7 of the Revised Codes of Montana, 1935, Relating to the Protection of Forest Lands Within the State of Montana; Duty to Remove Slashings; Slashings Lien.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2778.6 of the Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

Sec. 2778.6 Rev. Codes amended.

"Section 2778.6. **Disposal of Slashings.** Every person, firm or corporation who shall hereafter cut any timber, logs, ties, posts, poles, cordwood or pulpwood or any other forest product upon lands within the State of Montana shall remove any fire hazard to the property of others created by the slashings, incident to such cutting, *by piling and burning the said slashings, unless the state forester shall grant a written permit for the removal of or protection against such fire hazard by some other method, providing that an expenditure in excess of twenty-five cents (25c) for each one thousand (1000) feet board measure, or the equivalent thereof, of any merchantable timber cut shall not be required. Removal or protection against such fire hazard shall be completed as soon as practicable after logging, or other operations are completed on any natural logging unit, or natural subdivision thereof, provided that it is the intention of this Section that under no condition shall any fire hazard to the property of others created by said slashings be allowed to remain undisposed of for a period of more than one year.*

Disposal of slashings.

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"Every person, firm or corporation who shall hereafter purchase or contract to purchase logs, ties, posts, poles or pulpwood cut from forest lands within the State of Montana, shall give a written notice to the state forester of said purchase within five (5) days after making said purchase or such contract to purchase; such notice shall disclose the name of the person, firm or corporation furnishing such forest product, the location of the land by section, township, and range from which said forest product is cut or to be cut and the name of the owner or reputed owner of such land. Thereafter said purchaser shall withhold, in making payment for such forest products, a sum *equal to twenty-five cents (25c) for each one thousand (1000) feet board measure delivered under such contract,* unless and until the state forester notify said purchaser that such sum may be paid on such contract. The state forester shall release said money so withheld only when he is satisfied that legal disposition of slash resulting from such cutting has been or will be made. If upon conclusion of such contract the state forester has not and does not release such sum so withheld, the purchaser shall thereupon forthwith remit the said sum so withheld to the state forester, who shall issue his receipt in duplicate therefor and deliver such duplicate receipts to said purchaser who shall thereupon deliver one (1) of said receipts in final payment of the money so withheld and such purchaser shall thereby be discharged from any and all liability for such money so withheld to the extent recited in and shown by such receipt, and the state forester shall retain such sum as security for the removal of slash hazard as provided by this act. In the event the state forester procures the removal of slash resulting from such cutting as provided in Section 2778.7, he shall apply such sum so held by him or so much thereof as may be necessary to the payment of the costs of such removal."

Purchaser to give notice to state forester.

Sum to be withheld.

Section 2. That Section 2778.7 of the Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

Sec. 2778.7 Rev. Codes amended.

"Section 2778.7. **Slashings Lien.** If any person, firm or corporation shall fail, refuse or neglect to remove slash hazards hereafter created in accordance with the requirements of the state forester for a period of thirty (30) days after the date of a written order to remove such slash hazards forwarded by registered mail to the person, firm

Slashings lien.

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or corporation required by this act to remove said slash hazards, by the state forester or his authorized representative, the state forester may procure the removal of the slashings, or such part thereof as he shall deem necessary and he shall immediately afterwards notify the person, firm or corporation that had failed to remove the slash hazards or the cost of their removal and demand payment of the cost thereof, *which shall not be in excess of twenty-five cents (25c) per thousand (1000) feet board measure, or the equivalent thereof, of any merchantable timber,* plus ten (10) per cent to cover additional costs incurred by the State. If payment of the sum demanded be not made to the state forester within thirty (30) days after the date of such demand, the state forester must transfer all papers relative to the unsatisfied demand for payment to the attorney general of the State, who shall bring legal action on behalf of the State to recover the debt. If the amount expended by the state forester for the removal of the slashings be not paid within the time herein required, a lien as security for the amount of the debt shall attach to the land on which the slashings were created and/or the timber or other forest products cut or produced from such land from and after the date that notice of such lien shall be filed by the state forester in the office of the clerk and recorder of each county in which said land is situated.

Amount.

Filing of notice of lien.

The lien shall be known and recorded as a "slashing lien". Upon the filing of such notice in the office of the clerk and recorder of the proper county it shall immediately and thereafter constitute a lien upon said land and/or timber or other forest products until it shall have been released or satisfied."

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Approved February 24, 1941.

CHAPTER 35

An Act to Fix the Standard Classes and Grades of Mustard Seeds, Defining Same; Prescribing the Powers and Duties of the Commissioner of Agriculture in Connection with the Administration and Enforcement of

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the Act; Defining Damaged Seeds, Dockage, Foreign Material, Fixing a Basis of Determination of Dockage, Defining Percentages of Moisture and Percentage of Dockage; Fixing Test Weight Per Bushel; Defining Certain Special Grades and Providing for a Schedule of Fees, the Disposition of Funds and Penalties for Violation.

Be it enacted by the Legislative Assembly of the State of Montana:

Classes of mustard seed.

Section 1. The standard classes of mustard seed for the State of Montana shall be as follows:

Fancy—Cultivated tame yellow mustard seed.

Class 1—Cultivated tame yellow mustard seed.

Class 2—Cultivated tame brown mustard seed.

Class 3—Cultivated tame Montana oriental mustard seed.

Class 4—Mixed cultivated tame mustard seed, and

Sample—Hereinafter defined.

Grade requirements.

Classes 1, 2 and 3 shall contain not more than five per cent (5%) of other classes. Class 4 shall be any mixture of cultivated tame mustard seed having an admixture of other classes in excess of five per cent (5%), and shall be graded according to the predominating class in the mixture. Sample grade shall include mustard seed which does not come within the requirements of any of the following grades, No. 1 to No. 3 inclusive, or which has any objectionable foreign odor or is sour, heating, hot, or is otherwise of distinctly low quality or contains small inseparable stones or cinders. Grade requirements for cultivated tame mustard seed. Based after the removal of dockage.

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GRADE NUMBER	Sound Cultivated Mustard not less than	Damaged Kernels		Other Classes		Foreign Material Other Than Dockage	
		Total	Heat Damaged	Total	Wild Mustard	Total	Total Weed Seed Content
Fancy	99%	1%	0	0	0	0	.0
1	98½%	1½%	0	.5%	0	1	.3
2	97%	3%	0.2	.2%	0	1½	.5
3	95%	5%	0.5	.5%	0.5%	2	.7

Sample: Sample grade shall include mustard seed which does not come within the requirements of any of the grades, No. 1 to No. 3, inclusive, or which has any objectionable foreign odor or is sour, heating, hot, or is otherwise of distinctly low quality or contains small inseparable stones or cinders.

Section 2. The following definitions and specifications are hereby adopted and made legal: **Definitions**

(1) Damaged Seeds—Damaged seeds shall be all seeds and pieces of seeds of mustard seed, which are completely covered with mould, very green, sprouted, frosted, badly ground damaged, badly weather damaged, or otherwise distinctly damaged. **"Damaged seeds."**

(2) Heat Damaged Seeds—Heat damaged seeds shall be seeds and pieces of seeds of mustard seed which have been distinctly discolored by external heat or as a result of heating caused by fermentation. **"Heat damaged seeds."**

(3) Dockage—Dockage includes sand, dirt, weed seeds, weed stems, chaff, straw, mustard seed other than tame mustard and any other foreign material, which can be removed readily from the mustard by the use of appropriate sieves, cleaning devices or other practical means suited to separate the foreign material present, also undeveloped, shriveled and small pieces of mustard seeds removed in properly separating the foreign material, which cannot be recovered by properly rescreening or **"Dockage."**

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recleaning. The quantity of dockage shall be calculated in terms of percentage. When less than one-half per cent (½%) it shall be disregarded. The percentage of dockage so determined and stated, shall be added to the grade designation. Dockage is to be calculated by the one-half per cent (½%), that is to say 0% to 0.4% will be designated as no dockage, 0.5% to 0.9% will be designated as ½% dockage, 1% to 1.4% will be designated as 1% dockage, 1.5% to 1.9% will be designated as 1½% dockage, and so on.

"Foreign material."

(4) Foreign Material Other Than Dockage—Foreign material other than dockage shall include all matter other than tame cultivated mustard seed, which is not separated in the proper determination of dockage.

Basis of determinations.

Basis of Determinations: Each determination of dockage, temperature, odor and live weevil or other insects injurious to stored mustard seed, shall be upon the basis of the seed as a whole. All other determinations shall be upon the basis of the seed when free from dockage.

(5) Percentages—Percentages, except in the case of moisture, shall be percentages ascertained by weight.

(6) Percentages of Moisture—Percentage of moisture shall be that ascertained by the Brown-Duval Moisture Tester and the method of use thereof described in U. S. D. A. Bulletin #1375 for testing flaxseed.

"Percentage of dockage."

(7) Percentage of Dockage—Percentage of dockage shall be that ascertained by the Farrell Clipper Tester and Cleaner or any other cleaning device that will give equivalent results.

"Test weight per bushel."

(8) Test Weight Per Bushel—The test weight per bushel shall be the weight per Winchester bushel as determined by the testing apparatus and the method of use thereof described in Bulletin 1065 U. S. D. A. dated May 18, 1922, or as determined by any device and method which give equivalent results in the determination of test weight per bushel.

Other determinations.

(9) All Other Determinations—The percentage of damage, heat damage, sound cultivated mustard seed, foreign material and determinations of all other factors not otherwise provided for shall be on the basis of a

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portion cut from the original sample and separated by hand picking.

Section 3. The following shall be legal test weights per bushel, namely: The weight per Winchester bushel as determined by the testing apparatus and the method of use thereof described in Bulletin 1065 U. S. D. A. dated May 18, 1922, or as determined by any device and method which give equivalent results in the determination of test weight per bushel:

Weights per bushel.

Weight per bushel for tame yellow mustard seed shall be:

For tame yellow mustard seed.

Fancy	56 lbs.
# 1	54 lbs
# 2	52 lbs.
# 3	50 lbs.

Weight per bushel for tame brown and tame Montana oriental mustard seed shall be:

Tame brown and tame Montana oriental.

# 1	53 lbs
# 2	52 lbs.
# 3	50 lbs.

All seeds weighing less than the above per bushel shall be graded as sample weight, provided that the percentage of damage, heat damage, sound cultivated mustard seed, foreign material and determinations of all other factors not otherwise provided for shall be on the basis of a portion cut from the original sample and separated by hand picking.

Moisture.

Section 4. The mustard seed in grades from one (1) to three (3) inclusive shall contain not more than eleven per cent (11%) moisture. "Tough" mustard seed shall be all mustard seed containing more than eleven per cent (11%) moisture and shall be graded and designated according to the grade requirements of the standards applicable to such seed if it were not tough and there shall be added to, and made a part of the grade designation, the word "tough".

"Tough" mustard seed.

"Weevily" mustard seed.

Section 5. Weevily mustard seed shall be mustard seed which is infested with live weevil or other insects injurious to stored grain. Weevily mustard seed shall be graded and designated according to the grade re-

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quirements of the standards applicable to such mustard seed if it were not weevily, and there shall be added, and made a part of the grade designation, the word, "weevily"

Administration of act.

Section 6. It is hereby made the duty of the Commissioner of Agriculture, Labor and Industry of the State of Montana to administer and enforce this act, and for such purpose he is hereby empowered to make all proper necessary rules and regulations, and he is also empowered to and he shall fix the fees for inspection and weighing of mustard seed and such fees shall be a lien upon such mustard seed until paid, and such fees shall be collected by the commissioner of agriculture or his duly authorized representatives, and the commissioner of agriculture shall deposit such fees with the state treasurer in a fund known as the "department of agriculture revolving appropriation fund", for grain grading, out of which all operating expenses of this act shall be paid.

Penalty.

Section 7. Any one violating any of the terms of this act shall upon conviction be guilty of a misdemeanor and shall be fined not less than twenty-five dollars ($25.00) nor more than one hundred dollars ($100.00).

Effective date.

Section 8. This act shall be in full force and effect from and after its passage and approval.

Approved February 24, 1941.

CHAPTER 36

An Act to Amend Section 8277 of the Revised Codes of Montana, 1935, Relating to the Execution of Mortgages of Personal Property and the Affidavit of Good Faith Attached Thereto in Certain Cases.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 8277 Rev. Codes amended.

Section 1. That Section 8277 of the Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

Execution of mortgages of personal property.

"Section 8277. Subject to the provisions of the preceding Section, one (1) member of a firm of general partners may alone execute a mortgage of personal property

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on behalf of the firm, to secure all existing indebtedness of the firm, and a mortgage so executed is as valid as though executed and made by all the partners. In case of a corporation, the president, vice-president, secretary, assistant secretary, cashier, or general manager thereof may execute the mortgage, *and where the corporation is the mortgagee they, or either of them, or the agent, attorney or other representative thereof may make the affidavit of good faith aforesaid.*"

Section 2. This act shall be in full force and effect from and after its passage and approval. Effective date.

Approved February 24, 1941.

CHAPTER 37

An Act to Provide for an Apportionment of Membership and Representation of the Several Counties of Montana in the House of Representatives of the Legislative Assembly of Montana and to Fix the Number of Members Thereof.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That after the expiration of the twenty-seventh legislative assembly of the State of Montana, the membership of the house of representatives of all legislative assemblies of Montana shall be apportioned amongst, and to the several counties of the State, upon and according to the official federal census enumeration of the inhabitants of the several counties of Montana, as taken by authority of law in the year of 1940, and upon the ratio of one (1) representative, or member, therein from each county, for each seven thousand (7,000) persons in such county, or fractional part thereof in excess of three thousand five hundred (3,500) persons; provided that each county now created, shall be entitled to at least one (1) member. Apportionment of legislative assemblies. Basis or ratio.

Section 2. In accordance therewith each county of the State shall be entitled to, and shall elect at each biennial general, state and county election, the number of members of the house of representatives in the legislative assembly

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Number of members allotted each county.

of Montana herein below allotted and apportioned to it and set opposite its name as follows:

Beaverhead County .....One member
Big Horn County .....One member
Blaine County .....One member
Broadwater County .....One member
Carbon County .....Two members
Carter County .....One member
Cascade County .....Six members
Chouteau County .....One member
Custer County .....One member
Daniels County .....One member
Dawson County .....One member
Deer Lodge County .....Two members
Fallon County .....One member
Fergus County .....Two members
Flathead County .....Three members
Gallatin County .....Three members
Garfield County .....One member
Glacier County .....One member
Golden Valley County .....One member
Granite County .....One member
Hill County .....Two members
Jefferson County .....One member
Judith Basin County .....One member
Lake County .....Two members
Lewis and Clark County....Three members
Liberty County .....One member
Lincoln County .....One member
Madison County .....One member
McCone County .....One member
Meagher County .....One member
Mineral County .....One member
Missoula County .....Four members
Musselshell County .....One member
Park County .....Two members
Petroleum County .....One member
Phillips County .....One member
Pondera County .....One member
Powder River County .....One member
Powell County .....One member
Prairie County .....One member
Ravalli County .....Two members
Richland County .....One member
Roosevelt County .....One member

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Rosebud County	One member
Sanders County	One member
Sheridan County	One member
Silver Bow County	Eight members
Stillwater County	One member
Sweet Grass County	One member
Teton County	One member
Toole County	One member
Treasure County	One member
Valley County	Two members
Wheatland County	One member
Wibaux County	One member
Yellowstone County	Six members

Section 3. Whenever a new county is created it shall have and be entitled to one (1) member of the house of representatives until otherwise apportioned. New counties.

Section 4. Whenever a new county is created, it shall be attached to, and become a part of the representative district, embracing the county from which the largest area included in the new county has been taken. New counties —representative district.

Section 5. All acts and parts of acts in conflict herewith are hereby repealed. Repealing clause.

Approved February 25, 1941.

CHAPTER 38

An Act to Amend Section 3115.5, Section 3115.10 and Section 3115.19 of the Revised Codes of Montana of 1935, Being a Part of Chapter 266 Thereof Known as "Montana Dentistry Regulation Act", Relating to the Qualifications of Persons Licensed to Practice Dentistry, Defining the Practice of Dentistry and Prescribing Penalties for the Practice of Dentistry or Doing an Act of Dentistry Without a Certificate to Practice and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3115.5 of the Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows: Sec. 3115.5 Rev. Codes amended.

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"3115.5. **Dentistry Examinations—Application—Contents—Fees—Undergraduate Examination — Regulations for Examination—Notice—Scope of Examination—Dentist Certificate—Fee—Form—Retention and Inspection of Examination Papers.** Any person desiring to commence the practice of dentistry in the State of Montana after this act takes effect, shall file in his or her full name, an application for examination, with the secretary-treasurer of the state board of dental examiners at least twenty (20) days before the date set by the board for the commencement of such examination, and at the time of making such application the applicant shall (a) pay to the secretary-treasurer of the board a fee of twenty-five ($25.00) dollars, (b) shall furnish the board with at least three (3) satisfactory affidavits of good moral character, (c) shall present to said board his or her diploma or satisfactory evidence of having graduated from a recognized dental school or college, which must have been approved by said board, and (d) shall furnish the board a recent photograph of the applicant.

Application for examination.

Examination of dental student in subjects completed.

The board may, in its discretion, permit any dental student who shall have successfully completed his or her junior year in a recognized dental school, and who files proof satisfactory to the board that he or she has the preliminary education in this Section described, to take written examination in such subjects as he or she has completed, and all satisfactory grades there secured shall be credited upon the final examination of such student. The board shall require a fee of twenty-five ($25.00) dollars for such examination, which fee shall apply on the final examination to be taken by such applicant.

Fee.

Board to adopt rules and regulations.

The board shall adopt a uniform code of rules and regulations within the limitations of this act, governing the matter of examinations for license to practice dentistry in the State of Montana, which examinations shall be open to any applicant meeting the requirements of this act, and shall also provide in such code for giving reasonable notice of the time and place where examinations shall be held. The examination hereinabove referred to shall be practical in character and sufficiently thorough to test the fitness of the applicant to practice dentistry. It shall include, written in the English language, questions on any or all of the following subjects: Anatomy, histology, physiology, chemistry, materia medica and therapeutics,

Subjects to be included in examination.

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metallurgy, pathology, bacteriology, anesthesis, operative and surgical dentistry, prosthetic dentistry, prophylaxis, and orthodontia, and any additional subjects pertaining to dental science. Said written examination may be supplemented by oral examinations. Demonstrations of the applicant's skill in operative and prosthetic dentistry shall also be required. Said examination shall be conducted under oath or affirmation before said Board, and any member of said Board is empowered to administer the necessary oath of affirmation. All persons successfully passing such examination shall be registered as licensed dentists in the board register, as hereinabove provided and, upon payment of an additional twenty-five ($25.00) dollars shall receive a certificate signed by the president and secretary of said board, in substantially the following form, to-wit:

Registration as licensed dentists.

'This is to certify that .....

is hereby licensed to practice dentistry in the State of Montana. This certificate must be filed for registration in the office of the county clerk of any county in which the dentist holding such certificate desires to practice, and it is unlawful for him or her to practice dentistry in any county in which said certificate is not filed for registration.

License to practice.

Dated at ....., this .....day of..... .....19.....'

Examination papers of any applicant shall be retained two (2) years by the secretary-treasurer of the board and may then be destroyed, and while so retained shall be open to inspection only by board members, the applicant himself, or by some person appointed by such applicant to examine same, or by a court of competent jurisdiction in a proceeding where the question of the contents of such paper or papers is properly involved.

Retention of examination papers.

No person shall be qualified to be licensed to practice dentistry in this State or to have issued to him or her a certificate to practice dentistry in this State who is not a citizen of the United States of America.''

Citizenship.

Section 2. That Section 3115.10 of the Revised Codes of Montana of 1935 be, and the same is hereby amended to read as follows:

Sec. 3115.10 Rev. Codes amended.

''Section 3115.10. Practice of dentistry defined—persons conducting business through licensed dentist—exceptions. Any person shall be deemed to be practicing den-

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Practice of dentistry defined.

tistry within the meaning of this act who performs, or attempts, or advertises to perform, or causes to be performed by the patient or any other person, or instructs in the performance of, any dental operation or oral surgery or dental service of any kind gratuitously or for a salary, fee, money, or other remuneration paid, or to be paid, directly or indirectly, to himself or to any other person or agency; or who is a manager, proprietor, operator, or conductor of a place where dental operations, oral surgery, or dental services are performed; or who directly or indirectly, by any means or method, furnishes, supplies, constructs, reproduces or repairs any prosthetic denture, bridge, appliance, or other structure to be worn in the human mouth; or who places such appliance or structure in the human mouth or attempts to adjust the same; or who advertises to the public, by any method, to furnish, supply, construct, reproduce, or repair any prosthetic denture, bridge, appliance, or other structure to be worn in the human mouth; or who diagnoses or professes to diagnose, prescribes for or professes to prescribe for, treats or professes to treat disease, pain, deformity, deficiency, injury, or physical condition of human teeth or jaws, or adjacent structure; or who extracts or attempts to extract human teeth, or corrects or attempts or professes to correct malpositions of teeth or of the jaw; or who gives, or professes to give interpretations or readings of dental roentgenograms; or who administers an anesthetic of any nature in connection with a dental operation; or who uses the words 'dentist', 'dental surgeon', 'oral surgeon', the letters 'D. D. S.', 'D. M. D.', or any other words, letters, title, or descriptive matter which in any way represent him as being able to diagnose, treat, prescribe, or operate for any disease, pain, deformity, deficiency, injury or physical condition of human teeth or jaws, or adjacent structures; or who states, or advertises or permits to be stated or advertised, by sign, card, circular, handbill, newspaper, radio, or otherwise, that he can perform or will attempt to perform dental operations or render a diagnosis in connection therewith or who engages in any of the practices included in the curricula of recognized dental colleges.

Proviso.

Provided, however, that a dental laboratory or dental technician shall not be deemed to be practicing dentistry within the meaning of this act when engaged in the construction, making, alteration or repairing of bridges, crowns, dentures, or other prosthetic appliances or orthodontic appliances if the casts

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or models or impressions upon which such work is constructed shall have been made by a regularly licensed and practicing dentist and all such crowns, bridges, dentures or prosthetic appliances or orthodontic appliances shall be returned to the dentist upon whose order the work was constructed.

"Nothing in this act contained applies to a legally qualified physician or surgeon or to a dental surgeon of the United States army, navy, public health service, or veterans' bureau, or to a legal practitioner of another state making a clinical demonstration before a dental society, convention or association of dentists, or to a legally qualified dental hygienist in the performance of his or her duties as provided by law."

Exceptions.

Section 3. That Section 3115.19 of the Revised Codes of Montana of 1935, be, and the same hereby is amended to read as follows:

Sec. 3115.19 Rev. Codes amended.

"Section 3115.19. Practicing dentistry without certificate, penalty for—disposition of fines. Any person who, as principal, agent, employer, employee or assistant, shall practice dentistry in any manner whatever, or who shall do any act of dentistry, without having first secured his or her certificate to practice dentistry from the state board of dental examiners of the State of Montana entitling him or her to so practice in this State, shall be guilty of a misdemeanor, and upon conviction in a district court shall be fined in any sum not less than five hundred dollars ($500.00) nor more than one thousand dollars ($1,000.00) or be confined for any period not exceeding six (6) months in the county jail, for each and every offense. All fines imposed and collected under this act shall be paid into the treasury of the county in which such suits, actions or proceedings shall have been commenced. All moneys thus paid into the treasury over and above the amount necessary to reimburse the county for any expense incurred by said county, in any suit, action or proceeding brought under the provisions of this act, shall be paid, before the first day of January of each year, to the secretary-treasurer of the state board of dental examiners of the State of Montana, and become and be a part of the fund to be used by the said state board of dental examiners in the enforcement of the provisions of this act, and shall be used for no other purpose."

Practicing dentistry without certificate.

Penalty.

Disposition of fines.

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Repealing clause.

Section 4. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 25, 1941.

CHAPTER 39

An Act to Amend Section 2201 of the Revised Codes of Montana of 1935, Relating to the Time of Redemption From Tax Sales and Decreasing the Time Therefor.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 2201 Rev. Codes amended.

Section 1. That Section 2201 of the Revised Codes of Montana of 1935, be, and the same is hereby amended to read as follows:

"Section 2201. A redemption of the property sold may be made by the owner, or any party having any interest in or lien upon such property, within thirty-six (36) months from the date of purchase, or at any time prior to the giving of the notice and the application for a deed as provided in this act."

Time for redemption.

Application of act.

Section 2. The provisions of this act shall apply only to all tax sales held hereafter.

Effective date.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 25, 1941.

CHAPTER 40

An Act to Repeal Chapter 123 of the Regular Session of the Twenty-sixth Legislative Assembly, 1939, Relating to Copyrights and Public Performing Rights in Musical Compositions, and Dramatic Musical Compositions, the Registration Thereof and Providing Penalties for the Violation Thereof.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Chapter 123 of the Laws of the regular session of the twenty-sixth legislative assembly, 1939, re-

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lating to copyrights and public performing rights in musical compositions, and dramatic musical compositions, the registration thereof and providing penalties for the violation thereof, shall be, and the same is, hereby repealed. Chapter 123 Laws of 1939 repealed.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed. Repealing clause.

Section 3. This act shall be in full force and effect from and after its passage and approval. Effective date.

Approved February 26, 1941.

CHAPTER 41

An Act to Amend Section 9731 of the Revised Codes of Montana, 1935, Relating to the Taking of Appeals to the Supreme Court From a District Court, and the Judgments and Orders From Which Appeal May Be Taken, and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 9731 of the Revised Codes of Montana, 1935, be and the same is hereby amended to read as follows: Sec. 9731 Rev. Codes amended.

"Section 9731. **From What Judgment or Order an Appeal May Be Taken.** An appeal may be taken to the supreme court from a district court in the following cases: Appeals.

1. From a final judgment entered in an action or special proceedings commenced in a district court, or brought into district court from another court. From final judgment.

2. From an order granting a new trial; or granting or dissolving an injunction; or refusing to grant or dissolve an injunction; or dissolving or refusing to dissolve an attachment; from an order appointing or refusing to appoint a receiver, or giving directions with respect to a receivership, or refusing to vacate an order appointing or affecting a receiver; from an order directing the delivery, transfer, or surrender of property; from any special order made after final judgment; and from such interlocutory judgments or orders in actions for partition as determine the rights and interest of the respective parties and direct From certain orders.

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partition to be made. (In any of the cases mentioned in this subdivision the supreme court, or a judge thereof, may stay all proceedings under the order appealed from, on such conditions as may seem proper.)

From certain judgments and orders in probate matters.

3. From a judgment or order granting or refusing to grant, revoking or refusing to revoke, letters testamentary, or of administration, or of guardianship; or admitting or refusing to admit a will to probate, or against or in favor of the validity of a will, or revoking *or refusing to revoke* the probate thereof; or against or in favor of setting apart property, or making an allowance for a widow or child; or against or in favor of directing the partition, sale, or conveyance of real property, or settling an account of an executor, or administrator, or guardian; or refusing, allowing, directing the distribution or partition of an estate, or any part thereof, or the payment of a debt, claim, legacy, or distributive share; or confirming or refusing to confirm a report of an appraiser setting apart a homestead."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 26, 1941.

CHAPTER 42

An Act to Amend Section 4605.1, Revised Codes of Montana, 1935, Relating to Purchases Made by Boards of County Commissioners in Excess of One Thousand Dollars ($1,000.00).

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 4605.1 Rev. Codes amended.

Section 1. That Section 4605.1, Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

Request for bids in making purchases exceeding $1,000.00.

"4605.1. **Request for Bids Necessary in Making Purchases Exceeding One Thousand Dollars ($1,000.00).** No contract shall be entered into between a board of county commissioners for the purchase of any automobile, truck,

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or other vehicle, or road machinery, or *for* any other machinery, apparatus, appliances or equipment, or *for* any materials or supplies of any kind, for which must be paid a sum in excess of one thousand dollars ($1,000.00) without first publishing a notice calling for bids for furnishing the same, which notice must be published at least once a week, for three consecutive weeks before the date fixed therein for receiving bids, in the official newspaper of the county, and every such contract shall be let to the lowest and best responsible bidder; *provided that the provisions of this Section shall not apply to contracts for public printing entered into in accordance with the provisions of Chapter 118, acts of twenty-sixth legislative assembly of the State of Montana; and provided further,* that the provisions of this Section shall not apply to contracts for purchases, which in the opinion of the board, are made necessary by fire, flood, explosion, storm, earthquake, or other elements, epidemic, riot, insurrection, or for the immediate preservation of order, or of the public health, or for the restoration of a condition of usefulness which has been destroyed by accident, wear, tear, mischief, or for the relief of a stricken community overtaken by calamity.

Exceptions.

When the amount to be paid as the purchase price for any automobile, truck, or other vehicle, or road machinery of any kind, or for any other machinery, apparatus, appliance or equipment, or for any materials or supplies of any kind, shall exceed one thousand dollars ($1,000.00) the board of county commissioners may provide for the payment of such purchase price in installments extending over a period of not more than three (3) years; provided that when the purchase price is extended over a term of two (2) years or at least forty (40%) per cent thereof shall be paid the first year and the remainder the second year and when such purchase price is extended over a term of three (3) years at least one-third of such purchase price to be paid each year; provided that, at the time of entering into the agreement for such purchase, there shall be an unexpended balance of appropriation in the budget for the then current fiscal year available and sufficient to meet and take care of such portion of the purchase price as is payable during the then current fiscal year, and the budget for each following year, in which any portion of such purchase price is to be paid, shall contain an appriation for the purpose of paying the same.

Payment in Installments.

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Certain rental contracts construed.

Every contract entered into for the rental of machinery, equipment, apparatus, appliances, materials or supplies of any kind, which shall provide for payment of rental, by the county, and that after a certain fixed amount has been paid as rental, the property shall become the property of the county, or any other similar provisions or conditions, shall be deemed and construed to be a contract for sale of such property, and all of the provisions of this Section shall apply thereto and govern and control the same."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect on and after its passage and approval.

Approved February 26, 1941.

CHAPTER 43

An Act to Amend Section 4742, Revised Codes of Montana, 1935, Relating to the Classification of Counties by Boards of County Commissioners.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 4742 Rev. Codes amended.

Section 1. That Section 4742 Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

"Section 4742. **County Commissioners to Designate Class.** The several boards of county commissioners must, at their regular session in September *1942, and each four years thereafter,* make an order designating the class to which such county belongs, as determined by the *taxable* valuation of such county for the year *in which such order is made,* under and in accordance with the provisions of *Section 4741,* provided that such classification shall not change the government of the county then in existence until the first Monday in January next succeeding."

County commissioners to designate class, when

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date

Section 3. This act shall be in full force and effect on and after its passage and approval.

Approved February 26, 1941.

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CHAPTER 44

An Act Relating to the Voting by Taxpayers on Questions Concerning the Creation of a Levy, Debt or Liability for or on the Part of the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Qualified electors on assessment roll entitled to vote on levy, debt or liability for state.

Section 1. Whenever any question is submitted at any election concerning the creation of any tax levy for the State or the creation of any debt or liability on the part of the State, all qualified electors who are registered and whose names appear upon the last completed assessment roll of any county preceding such election, shall be entitled to vote thereon. If any elector shall be registered in any county and the name of such elector does not appear on such last completed assessment roll for such county, but does appear on the last completed assessment roll for any other county in the State, such elector shall be entitled to vote on any such question in the precinct in which he is registered, if he shall present to the county clerk and recorder before the close of registration of the election in which he wishes to vote, either a receipt from the treasurer of the county in which his property is assessed on such assessment roll showing the payment of the taxes computed against such assessment, or a certificate from the treasurer of such county certifying that such elector is assessed with property on such assessment roll but that the taxes had not been paid at the time of the issuance of such certificate. Every such certificate issued by a county treasurer shall be dated, numbered, give the name of the elector, a brief description of the property assessed to him, with the amount of the taxes thereon, and must be signed by such county treasurer, and such treasurer must keep a duplicate thereof on file in his office. Whenever any such tax receipt or treasurer's certificate is presented by a registered elector to the county clerk and recorder he shall enter his name in th poll book of electors entitled to vote on such question, and there shall be entered therein the date and number of the tax receipt or certificate, the county in which issued and a description of the property assessed to the elector and amount of taxes against the same, as contained in such receipt or certificate, and such elector shall thereupon be given the proper ballot and shall vote

Procedure where elector is on assessment roll in a county other than that in which he is registered.

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the same in exactly the manner as though his name appeared on such assessment roll for such county.

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 26, 1941.

CHAPTER 45

An Act Validating, Ratifying, Approving and Confirming Bonds and Other Instruments or Obligations Heretofore Issued by Public Bodies of this State and All Proceedings Heretofore Taken for the Authorization and Issuance of Bonds by Such Public Bodies.

Be it enacted by the Legislative Assembly of the State of Montana:

Title of act.

Section 1. This act may be cited as "the 1941 bond validating act".

Definitions.

Section 2. The following terms, wherever used or referred to in this act, shall have the following meaning:

"Public body"

(a) The term "public body" shall include a county, city, town, school district, irrigation district, drainage district, special improvement district, or any other political or governmental subdivision of the State of Montana, and shall also include the state board of education, the state board of examiners, the state water conservation board, the state highway commission, or any other governmental agency of this State.

"Bonds."

(b) The term "bonds" shall include bonds, notes, warrants, debentures, certificates of indebtedness, temporary bonds, temporary notes, interim receipts, interim certificates and all instruments or obligations evidencing or representing indebtedness, or evidencing or representing the borrowing of money, or evidencing or representing a charge, lien or encumbrance on specific revenues, income or property of a public body, including all instruments or obligations payable from a special fund.

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Section 3. All bonds heretofore issued for any of the purposes for which bonds may be issued by any public body of this State and all proceedings heretofore taken for the authorization and issuance of bonds by such public body, and the sale, exchange, execution and delivery thereof are hereby validated, ratified, approved and confirmed, notwithstanding any lack of power (other than constitutional) of such public body, or the governing board or commission or officers thereof, to authorize and issue such bonds, or to sell, exchange, execute or deliver the same, and notwithstanding any defects or irregularities (other than constitutional) in such proceedings or in such sale, exchange, execution or delivery; and bonds of such public bodies, whether issued or hereafter issued under the authority of proceedings heretofore taken, are and shall be binding, legal, valid and enforceable obligations of such public body.

Validation of all bonds heretofore issued by public bodies.

Section 4. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 5. This act shall be in full force and effect from and after its passage and approval.

Effective date.

Approved February 26, 1941.

CHAPTER 46

An Act to Amend Section 3776.7 of the Revised Codes of Montana, 1935, as Amended by Chapter 147 of the Twenty-sixth Legislative Assembly, 1939, Relating to the Establishment and Description of Little Saint Joe Game Preserve.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3776.7, Revised Codes of Montana, 1935, as amended by Chapter 147 of the twenty-sixth legislative assembly, 1939, be, and the same is hereby amended to read as follows:

Sec. 3776.7 Rev. Codes further amended.

"Section 3776.7. **Little Saint Joe Game Preserve.** For the better protection and propagation of game animals and

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birds, the following described area in Mineral County, State of Montana, is hereby set aside and established as a state game preserve, to be known as the Little Saint Joe Game Preserve. Beginning at a point on the south bank of the Missoula River where Dry Creek flows into said river; running thence westerly along the south bank of Dry Creek to the northwest quarter (NW¼) of section twenty-seven (27) in township seventeen (17) north, range twenty-seven (27) west of the Montana principal meridian to the watershed between Murphy Creek and the Dry Fork of Dry Creek; running thence in a southerly direction along this divide to Blacktail Mountain in the northeast quarter (NE¼) of section four (4) in township sixteen (16) north, range twenty-seven (27) west of the Montana principal meridian; running thence in a southwesterly direction along the watershed between Thompson-Oregon Creeks and Dry Creek to the Montana-Idaho state line; thence westerly along said state line to a point *where it is intersected by the divide between the north fork of Little Saint Joe Creek on the east and Two Mile Creek on the west; thence running in a northeasterly direction, along this divide, to Little Saint Joe Mountain, in the northwest quarter (NW¼) of Section thirty-three (33), Township eighteen (18) north, range twenty-eight (28) west of the Montana principal meridian; thence running northerly down a short ridge through the west one-half (W½) of section twenty-eight (28), township eighteen (18) north, range twenty-eight (28), west of Montana principal meridian, to a point where it intersects the south water edge of the St. Regis River;* thence down the south *water edge* of the St. Regis River to its confluence with the Missoula River; thence up to the south *water edge* of the Missoula River to the point of beginning, except that the hereinafter described land now within the limits of said Little Saint Joe Game Preserve as above set forth by metes and bounds shall be excluded therefrom; to-wit: All privately owned land purchased prior to this act, under fence in sections thirteen (13), fourteen (14), fifteen (15), twenty-two (22), twenty-three (23) and twenty-four (24) in township seventeen (17) north, range twenty-seven (27) west of the Montana principal meridian."

Little Saint Joe game preserve established.

Area included.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

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Section 3. This act shall be in full force and effect from and after its passage and approval. Effective date.

Approved February 26, 1941.

CHAPTER 47

An Act to Provide for Reemployment of Elected Officers and Employees of the State of Montana and Any Political Subdivision Thereof, Who Shall Hereafter Serve in the Military Forces of the United States, Upon the Completion of Their Period of Training and Service; to Provide for 'Acting' Officers to Serve During Such Absence of Elected Officers; and Relating to Procedure to be Followed to Secure Such Reemployment.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Any person inducted into the land or naval forces of the United States (including the aviation unit of either force) or any member of any reserve component of the land or naval forces, national guard, or retired personnel ordered into the active military service of the United States, who, in order to perform such training, service or active duty, leaves a position, other than a temporary position, in the employ of the State of Montana or any political subdivision thereof, and who Employees of state or subdivisions inducted into military service to be restored to employment.

(1) Receives a certificate of completion of training or service from the proper authorities of the United States government, and

(2) Is still qualified to perform the duties of such position:

(a) If such position was in the employ of the State of Montana or any political subdivision thereof, excluding elective positions, such persons shall be restored to such position or to a position of like seniority, status and pay; provided, however, that such position or department has not been abolished or consolidated.

(b) If such position was that of an elected, executive or judicial officer of the State of Montana or any political subdivision thereof, such person shall be restored to

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such position, status and pay at any time during the term for which he was elected as provided herein.

Application for reemployment.

Section 2. All persons asking restoration to a position in accordance with the provisions of paragraph (a) of Section 1 of this act shall, in order to qualify for the restoration of such position, make application for reemployment within forty (40) days after he is relieved from such training and service. Such application must be in writing and presented to the officer, district, board or employing unit of the State or political subdivision thereof by which such applicant was formerly employed.

Application for re-instatement to elective office.

Section 3. All persons seeking restoration to an elective office in accordance with the provisions of paragraph (b) of Section 1 of this act shall, in order to qualify under the provisions of this act, make application for reinstatement to such office within forty (40) days after he is relieved from such training and service. Such applications must be in writing and presented to the governor in the case of state elective offices, and to the board of county commissioners in the case of county, township, or district offices.

No loss of seniority or insurance benefits provided by state.

Section 4. Any person who is restored to a position in accordance with the provisions of paragraph (a) of Section 1 shall be considered as having been on furlough or leave of absence during his period of training and service in the land or naval forces, shall be so restored without loss of seniority (if seniority rules are applicable in such particular position), shall be entitled to participate in any insurance or other benefits offered by the State of Montana or the political subdivision thereof pursuant to established rules and practices relating to employees on furlough or on leave of absence in effect at the time such person is ordered into such service, and, except as otherwise provided herein, shall not be discharged from such position without cause within one (1) year after such restoration.

Duration of reemployment.

Reinstatement for balance of term of elective office.

Section 5. Any person who is restored to a position in accordance with the provisions of paragraph (b) of Section 1 shall be considered as having been on leave of absence during his period of active military service and shall be immediately so restored to his official position as such officer for the balance of the term for which he was elected.

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Section 6. In case of any failure or refusal by any officer, board, department, or employing unit of the State or any political subdivision thereof to comply with the provisions of Sections 1, 4 or 5 of this act, the district court of the State of Montana for the county in which such person seeking restoration of position resides shall have the power upon the filing of a motion, petition, or other appropriate pleading by the person entitled to the benefits of these provisions, to specifically require such officer, department, board, or employing unit to comply with such provision for any loss of wages or benefits suffered by reason of such an unlawful action. The court shall order a speedy hearing in any such cases and shall advance it on the calendar. Upon application to the county attorney of the county in which the applicant resides in the case of county, township, and district offices and positions and to the attorney general of the State of Montana in the case of state offices and positions, by any person claiming to be entitled to the benefits of such provisions, such county attorney or attorney general, if reasonably satisfied that the person so applying is entitled to such benefits, shall appear and act as attorney for such person in the amicable adjustment of the claim or in the filing of any motion, petition, or other appropriate pleading and prosecution thereof to specifically require a compliance with such provisions; provided, that no fees or court costs shall be taxed against the person so applying for such benefits.

Proceedings in district court.

Duty of county attorney or attorney general.

Section 7. The governor, in the case of district judges and officers elected from the State at large, and the board of county commissioners, in the case of members of either house of the legislative assembly and county, township or district officers elected from such county, shall appoint as "acting" officer to temporarily replace any elected officer, designated in paragraph (b) of Section 1, who shall enter military service in the manner set forth in Section 1 of this act. "Acting" officers so appointed shall be appointed for a period not to exceed the unexpired term of the officer whose duties he assumes and such appointment shall be subject to the right hereinbefore set forth of the elected officer to the restoration of his position.

Appointment of "acting" officers.

Section 8. It is specifically provided that the provisions of Section 414, Sections 5, 6, 7 of Section 511 and

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Absence caused by military service creates no vacancy in office.

Section 4739 of the Revised Codes of Montana for 1935, shall not be, and the same are declared not to be, applicable insofar as they relate to absence or residence of any officer of the State or political subdivision thereof caused by the military service of such officer as set forth in Section 1 of this act. It is specifically declared that the absence of such officer, caused by such military service, shall not create a vacancy in the office to which he was elected.

Repealing clause.

Section 9. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date

Section 10. This act shall be in full force and effect from and after its passage and approval.

Approved February 26, 1941.

CHAPTER 48

An Act to Amend Section 9430.2 of the Revised Codes of Montana, 1935, Relating to When Truck or Automobile Is Exempt From Attachment or Execution.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 9430.2 Rev. Codes amended.

Section 1. That Section 9430.2 of the Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

Truck or automobile—when exempt from attachment or execution.

"Section 9430.2. **Truck or Automobile—When Exempt From Attachment or Execution.** In addition to all other exemptions, the following property is exempt from *attachment or* execution, where the debtor is the head of a family, or over sixty years of age: One truck or automobile of the value of not more than three hundred dollars ($300.00); *but where debts are incurred by any such debtor or his wife or family for the common necessaries of life, then such truck or automobile, above mentioned, is nevertheless subject to attachment and execution, to satisfy debts so incurred. The words "his family", as used herein, are to be construed with the words "head of family" as used in Section 6969 of the Revised Codes of Montana, 1935."*

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed, but none of the provisions of this act

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shall be construed as repealing the provisions of Section 9428 of the Revised Codes of Montana, 1935, or any part thereof, nor of any of the provisions of Chapter 127 of the legislative assembly of 1937.

Section 3. This act shall be in full force and effect from and after its passage and approval. Effective date.

Approved February 26, 1941.

CHAPTER 49

An Act Providing for Instruction in Health, Physical Education and Recreation in the Public Elementary and Secondary Schools of the State; Providing for the Preparation of Courses of Instruction Therein and for the Appointment of a Supervisor of Physical Education.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That on and after September 1941 instruction in health, physical education and recreation shall be established and made a part of the course of instruction and training in the public elementary schools and secondary schools of the State, provided, however, that no further special qualifications shall be required of persons teaching in the public elementary and secondary schools of the State until required by the state board of education. Instruction in health, physical education and recreation in public schools required.

Section 2. The state superintendent of public instruction shall prepare courses on instruction for the public elementary and secondary schools of the State; and, to provide necessary and adequate supervision for the purpose of carrying out this act, shall appoint a supervisor with a major in physical education from an accredited four (4) year institution. Duty of superintendent of public instruction.

Section 3. All acts and parts of acts that conflict herewith are hereby repealed. Repealing clause.

Section 4. This act shall be in full force and effect from and after its passage and approval. Effective date.

Approved February 27, 1941.

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CHAPTER 50

An Act to Amend Section 6968 of the Revised Codes of Montana of 1935, as Amended by Section 1 of Chapter 166 of the Laws Enacted by the Twenty-fifth Legislative Assembly of the State of Montana, Relating to the Selection of Homesteads, the Quantity of Land to Be Included Therein and the Value Thereof, and of the Dwelling House and Appurtenances, and the Basis of Such Value.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 6968 Rev. Codes further amended.

Section 1. That Section 6968 of the Revised Codes of Montana of 1935, as amended by Section 1 of Chapter 166 of the laws enacted by the twenty-fifth legislative assembly of the State of Montana, be, and the same is hereby amended to read as follows:

"Section 6968. Homesteads may be selected and claimed:

Homesteads —quantity of land.

1. Consisting of any quantity of land not exceeding three hundred and twenty (320) acres used for agricultural purposes, and the dwelling house thereon and its appurtenances, and not included in any town plot, city or village; or

2. A quantity of land not exceeding in amount one-fourth (¼) of an acre, being within a town plot, city or village, and the dwelling house thereon and its appurtenances.

Value limited

3. *Such homestead, in either case, shall not exceed in value the sum of two thousand five hundred dollars ($2500.00), provided, however, that in any proceedings instituted to determine the value of such homestead, the assessed value of such land, with included appurtenances, if any, and of such dwelling house as appears on the last completed assessment roll preceding the institution of such proceedings shall be prima facie evidence of the value of the property claimed as a homestead.*

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 26, 1941.

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CHAPTER 51

An Act to Amend Section 557 of the Revised Codes of Montana of 1935, as Amended by Section 5 of Chapter 172, Session Laws of the Twenty-fifth Legislative Assembly, 1937, Relating to Deputy Registrars; Providing for Their Appointment and Compensation.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 557 of the Revised Codes of the State of Montana of 1935, as amended by Section 5 of Chapter 172, session laws of the twenty-fifth legislative assembly, 1937, be and the same is hereby amended to read as follows:

Sec. 557 Rev. Codes further amended.

"Section 557. All notaries public and justices of the peace are designated as deputy registrars in the county in which they reside, and may register electors residing more than ten (10) miles from the county courthouse in any precinct within the county *and shall receive as compensation for their services the sum of twenty-five (25) cents for each elector registered by them.* The county commissioners shall appoint a deputy registrar, other than notaries public and justices of the peace, for each precinct in the county. Such deputy registrar shall be a qualified, taxpaying resident elector in the precinct for which he is appointed and shall register electors in that precinct, and shall receive as compensation for his services the sum of twenty-five (25) cents for each elector registered by him. Each deputy registrar shall forward by mail, within two (2) days, all registration cards filled out by him to the county clerk and recorder."

Notaries public and justices of the peace designated as deputy registrars.

Appointment, qualifications and compensation of other deputy registrars.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Approved February 26, 1941.

CHAPTER 52

An Act to Amend Section 2524 of the Revised Codes of Montana of 1935, Relating to Certified Copies of Records —Fees.

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Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 2524 Rev. Codes amended.

Section 1. That Section 2524 of the Revised Codes of Montana of 1935, be, and the same is hereby amended to read as follows:

Certification of information on birth or death certificates.

"Section 2524. **Certification of Information on Birth or Death Certificates.** Every county clerk, *on demand,* is required to issue a *certificate, with seal affixed, certifying to the information contained in any certificate of birth or death of record in his office. The information shall be inserted on a form compiled and prescribed by the state board of health and said form shall be of general use throughout the State and shall be issued by county clerks in lieu of certified copies of the original instrument. The county clerk may charge a fee of not to exceed twenty-five (25c) cents for each such certificate issued."*

Approved February 26, 1941.

CHAPTER 53

An Act Authorizing Directors of a Corporation to Amend its Articles of Incorporation to Decrease its Capital Stock by Canceling All or Any Part of the Shares of Stock held in the Treasury of the Corporation.

Be it enacted by the Legislative Assembly of the State of Montana:

Decreasing capital stock of corporations by cancelation of treasury stock.

Section 1. Any corporation organized under any of the laws of the State of Montana heretofore or hereafter, whether formed and existing before or after taking effect of the Codes of July 1, 1895, and which has acquired and holds in its treasury any shares of its capital stock theretofore issued, may in the manner herein provided amend its articles of incorporation by decreasing its authorized and issued capital stock by canceling all or any part of the shares so held in its treasury and reducing the amount of its authorized and issued capital stock by the amount of the par value of the shares so canceled, and, in case the shares to be canceled are shares without any nominal or par value, the capital of the corporation shall be reduced by the amount of capital represented by such shares without nominal or par value; provided that no such decrease in capital stock shall be made if the capital stock of the corporation is reduced below an amount less than its total indebtedness.

Proviso.

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Such decrease of the authorized and issued capital stock of a corporation may be effected by filing with the clerk of the county where the original articles of incorporation of such corporation were filed a certificate signed by a majority of the directors or trustees of such corporation, setting forth the number of shares of capital stock so held in the treasury of the corporation, the par value, if any, thereof, or, in case of shares without nominal or par value, the amount of capital represented by such shares, and the amount of the shares so held in the treasury which are to be so canceled, and the amount of decrease to be effected in the authorized and issued capital stock of such corporation. A certified copy of such certificate must be filed in the office of the secretary of state, and if the principal place of business of such corporation has been changed a certified copy thereof must be filed in the office of the clerk of the county to which such principal place of business has been changed.

Procedure

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Approved February 26, 1941.

CHAPTER 54

An Act to Amend Sections 5668.35, 5668.36, 5668.37, 5668.38 and 5668.39 Revised Codes of Montana, 1935, Relating to the Establishment, Construction, Equipment, Maintenance, Management and Operation of Airports and Landing Fields by Counties, Cities and Towns; Authorizing Joint Action of Such Bodies and Their Right to Exercise Eminent Domain Therefor, the Levy of Taxes for the Purposes Enumerated and the Borrowing of Money and Issuance of Bonds Therefor, but Only After Submission to a Vote of the Taxpayers; and Validating Levies and Expenditures Heretofore Made, Separately or Jointly.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 5668.35 of the Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

Sec. 5668.35 Rev. Codes amended.

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"Section 5668.35. Counties, cities *and* towns in this State, may *either individually or by the joint action of a county and one (1) or more of the cities and towns within its border* acquire by gift, deed, purchase or condemnation, *land for airport or landing field purposes and thereon* establish, construct, own, control, lease, equip, improve, operate, and regulate airports or landing fields for the use of airplanes and other aircraft, and may use for such purpose or purposes any property suitable therefor that now or may at any time hereafter be acquired, owned or controlled by such county, city or town."

Counties, cities and towns may acquire land for and establish airports.

Section 2. That Section 5668.36 of the Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

Sec. 5668.36 Rev. Codes amended.

"Section 5668.36. Any lands acquired, owned, controlled or occupied by any county, city or town, *or by a county and city or cities, or town or towns, pursuant to joint action as herein provided* for the purposes enumerated in Section 5668.35, shall and are hereby declared to be acquired, owned, controlled and occupied for a public use, and as a matter of public necessity, and such counties, cities and towns, *whether acting individually or jointly* shall have the right to acquire property for such purposes under the power of eminent domain as and for a public use or necessity."

Property may be acquired for airport purposes under power of eminent domain.

Section 3. That Section 5668.37 of the Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

Sec. 5668.37 Rev. Codes amended.

"Section 5668.37. The county, city or town, *or the county and any city or cities, town or towns acting jointly as herein authorized, having* established an airport or landing field and acquired property for such purpose, may construct, improve, equip, maintain, and operate the same, and for that purpose may create a board or body from the inhabitants of such county, city or town, *or such joint subdivisions of the State* for the purpose of conferring upon them and may confer upon them the jurisdiction for the improvement, equipment, maintenance and operation of such airport or landing field. The board of county commissioners, the city *or town* council, as the case may be, *or the board of county commissioners and the council or councils under a joint venture* may adopt rules and establish fees or charges for the use of such airport or landing field,

Authority to construct, maintain and operate airports.

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or may authorize such board or body *to do so,* subject, however, to the approval of the *appointing power* before the same shall take effect. All expenses of such construction, improvement, equipment, maintenance and operation shall be a charge against such county, city or town, *or, when a county and city or cities, town or towns, acts jointly under the authority herein given, such charges shall be against the joint subdivisions of the State, and shall be apportioned according to benefits to accrue, the proportion to be paid by each to be fixed in advance by joint resolution of the two (2) governing bodies.*

Expenses.

"For the purpose of meeting the charges hereinbefore mentioned when the airport or landing field is such joint venture, a joint fund shall be created and maintained into which each of the political subdivisions interested shall deposit its proportionate share in accordance with the predetermination of the board of county commissioners and council, or councils, affected.

Apportionment of charges of joint venture.

"All disbursements from such fund shall be made by order of such joint board or body, if one be created as hereinabove authorized, otherwise under such rules and regulations as the joint control by the commissioners and council or councils may adopt."

Disbursements —how made.

Section 4. That Section 5668.38 of the Revised Codes of Montana, 1935, be and the same is hereby amended to read as follows:

Sec. 5668.38 Rev. Codes amended.

"Section 5668.38. For the purpose of establishing, *constructing, equipping,* maintaining and operating airports and landing fields under the provisions of this act the county commissioners or the city or town council may each year assess and levy, in addition to the annual levy for general administrative purposes, a tax of not to exceed one (1) mill on the dollar of *taxable* value of the property of said county, city or town. *In the event of a jointly established airport or landing field, the county commissioners and the council or councils involved shall determine in advance the levy necessary for such purposes and the proportion each political subdivision joining in the venture shall pay, based upon the benefits it is determined each shall derive from the project.* Provided that if *it be found that the* levy *hereby authorized will be* insufficient for the purposes *herein enumerated, the commissioners and councils acting* are hereby authorized and empowered to contract

Tax levy for airport purposes.

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Money may be borrowed and bonds issued.

an indebtedness on behalf of such county, city or town, *as the case may be*, upon the credit thereof by borrowing money or issuing bonds for such purposes, provided that no money may be borrowed and no bonds may be issued for such purpose until the proposition has been submitted to the taxpayers affected thereby, and a majority vote be cast therefor."

Sec. 5668.39 Rev. Codes amended.

Section 5. That Section 5668.39 of the Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

Validation of previous levies, expenditures and engagements.

"Section 5668.39. All levies and expenditures heretofore made and engagements entered into by counties, cities, or towns for the purposes now contemplated by this act, and all elections held in counties, cities or towns for the purpose of creating indebtedness for *such purposes*, wherein a majority of the vote cast was in favor of such indebtedness, *whether such counties, cities and towns were acting individually or jointly, under the authority of this act*, are hereby validated and declared legally created, entered into and made, and all evidence of such indebtedness are declared to be legal *obligations* of the county, city or town wherein *such* a majority vote has been cast in favor of such indebtedness.

Approved February 26, 1941.

CHAPTER 55

An Act Directing the State Board of Examiners to Issue State Insane Hospital Bonds of the State of Montana Under the Provisions of Chapter 168 of the Laws of the Twenty-sixth Legislative Assembly, which Law Was Submitted to the Vote of the Electors of the State, at the Last General Election and Received a Majority of the Votes Cast For and Against It at Said Election, and Which Law Provides that Moneys Derived From the Sale of Said Bonds Shall Be Used for the Purpose of Constructing, Repairing and Equipping necessary Buildings, for Other Permanent Improvements and for Acquiring Necessary Grounds Therefor, at the Montana State Hospital for the Insane at Warm Springs, Montana.

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WHEREAS, Chapter 168 of the laws of the twenty-sixth legislative assembly of the State of Montana was duly submitted to the people of the State under the provisions of the constitution and laws of the State of Montana applicable thereto, at the general election held November 5, 1940, and received the favorable vote or more than a majority of the votes cast for and against it at said election; and

Premises.

WHEREAS, said Chapter 168 authorizes and empowers the legislative assembly of the State of Montana to direct the state board of examiners to issue bonds in the name of the State of Montana in a sum not exceeding five hundred thousand dollars ($500,000.00) in excess of the constitutional limitation of indebtedness and over and above any bonded indebtedness heretofore incurred or created and for which the State of Montana is now obligated, for the purpose of constructing, repairing and equipping necessary buildings, for other permanent improvements and for acquiring necessary grounds therefor, at the Montana state hospital for the insane at Warm Springs, Montana; therefore:

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the state board of examiners of the State of Montana is hereby authorized and directed to issue and sell, under the provisions of Chapter 168 of the laws of the twenty-sixth legislative assembly of the State of Montana, five hundred thousand dollars ($500,000.00) state insane hospital bonds of the State of Montana. The moneys to be derived from the sale of said bonds shall be expended for the purpose of constructing, repairing and equipping necessary buildings, for other permanent improvements and for acquiring necessary grounds therefor, at the Montana state hospital for the insane at Warm Springs, Montana, and such proceeds are hereby appropriated for such purposes. Said bonds shall mature serially over a period of not to exceed twenty (20) years from the date of the bonds. And the state board of examiners may issue all of said bonds at one time or in series from time to time as it may deem for the best interests of the State.

Authority for issuance and sale of state insane hospital bonds.

For what purpose.

Maturity of bonds.

Section 2. The appropriations hereinabove provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

Effect of the budget act.

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Effective date.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 26, 1941.

CHAPTER 56

An Act Authorizing and Empowering the Governor of the State of Montana, With the Aid of an Advisory Committee, to Make a Comprehensive and Constructive Study of the Finances, Business, Affairs, and Policies of the State of Montana, and of its Several Offices and of all of its Bureaus, Boards, Commissions, Departments and Institutions for the Purpose of Disclosing Whether There Exist any Abuses, Inefficiency, Duplication of Work or Services, or Undue, Unnecessary, Extravagant or Wasteful Expenditures of State or Public Money or Funds, and for the Purpose of Disclosing Whether any of Such Offices, Bureaus, Boards, Commissions, Departments or Institutions May Be Abolished, Reorganized or Consolidated for the Purpose of Doing Away With Duplication of Work or Services, Reducing Expenditures of State and Public Money or Funds, and Generally Simplifying the Operations of the State Government, its Institutions and Departments, and Providing Some Method or System for the Conduct of its Finances, Business, Affairs and Policies in a More Uniform, Orderly, Businesslike and Economical Manner; Authorizing the Governor to Employ Experts to Make Such Study; Providing for Reports to Be Made to the Governor During the Progress of Such Study and After the Same Is Fully Completed; Authorizing the Governor, With the Advice of the Advisory Committee, to Adopt and Put Into Effect any Recommendation or Recommendations Contained in any Report, When Approved by Him, and When no Legislative Action is Necessary Therefor; Providing for a Report by the Governor, After the Completion of Such Study, to the Twenty-eighth Legislative Assembly, Providing for an Appropriation to Effect the Purposes of This Act: Providing that the Governor May Authorize the Issuance of Subpoenas and Administration of Oaths, Repealing All Acts in Conflict Herewith.

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Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The governor is hereby authorized and directed, with the aid of an advisory committee and consultants hereinafter provided for, to make a comprehensive and constructive study and review of the entire organization structure of the state government and of every department, institution, commission, board and other agency of the state government, for the purpose of developing and recommending a program of improvement and economy to include such changes as will serve to simplify and modernize the organization and procedures of the state and will aid in the securing of the maximum return in public services for each dollar of state revenue.

Study of state government to develop a program of improvement and economy.

Section 2. The governor is hereby authorized to appoint an advisory committee, to be known as the governor's committee on reorganization and economy, to counsel and assist him in directing the study provided for by this act. The committee shall have seven (7) members appointed by the governor; two (2) of whom shall be members of the state senate, two (2) of whom shall be members of the house of representatives, and the other three (3) shall be residents and citizens of the State of Montana. The governor shall name the chairman of the committee. The members of the committee shall serve without compensation, but, with the prior approval of the governor, shall be reimbursed for their actual traveling and other expenses incurred in the performance of the duties of the committee.

Governor's committee on reorganization and economy.

Section 3. For the purpose of exercising and carrying out the authority and power hereby granted, the governor may, with the advice of the advisory committee:

(1) Appoint or employ one (1) or more persons, or some association of persons, including among them expert accountants and others especially skilled in the science of state and municipal government and finance, as is contemplated by this act. The persons so employed need not be residents or citizens of this state but must have no affiliations with any institution or agency, which would interfere with the expression of impartial, unbiased, professional opinions on the questions involved, and he may authorize the person, persons or associations so appointed or employed, to employ such accountants, clerks, stenographers, and other assistants, as may be deemed necessary

Appointment of persons skilled in the science of state and municipal government and finance.

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in order to enable a full, complete and thorough study to be made.

Persons so appointed to have access to official records.

Section 4. The person or persons so appointed shall have access to and the right to examine all papers, documents and records of every kind and character of all offices, boards, bureaus, commissions, departments and institutions, and to make such copy or copies thereof as may be deemed necessary. The person, persons, or association so employed shall, at such time or times during the course of such study as the governor may deem proper, make reports in writing to him regarding such study, the progress thereof, and the possible improvements disclosed thereby, and shall, not later than November 15, 1942, complete such study and make a full and complete report in writing to the governor, which report shall (1) show the results of such study, and the possible improvements disclosed thereby; (2) recommend changes in keeping financial and other records, the abolishment of any thereof, or the keeping of additional records; (3) recommend the abolishment, reorganization or consolidation of offices, bureaus, boards, commissions, departments or institutions which may be deemed necessary in order to do away with and prevent any existing abuses, inefficiency, duplication of work or services, or to reduce expenditures of public or state funds or money, and for the adoption of any method or system which will result in simplifying the operations of the state government, or any of its offices, bureaus, boards, commissions, departments or institutions and provide for the conduct of its finances, businesses, affairs and policies in a more uniform, orderly, economical and businesslike manner.

Reports to governor.

Cooperation by state officers.

Section 5. It shall be the duty of all state officers, employees, boards, commissions, departments and institutions to cooperate with and assist in said study, and, upon request of the governor, furnish written itemized and tabulated data on the records of their particular department.

Governor may effect certain changes recommended.

Section 6. If the governor shall approve of any recommendation or recommendations contained in any such report regarding any change or changes in the keeping of the financial or other records, or the abolishment of any thereof, or the keeping of additional records by any office, bureau, board, commission, department or insti-

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tution, or any changes in administrative procedure, and no legislative action is required to carry such recommendations into effect, the governor, with the advice of the advisory committee, may, by an executive order or orders, place such recommendations into full force and effect and require compliance therewith by the office, bureau, board, commission, department or institution to which such order or orders may be directed.

Report by governor to legislative assembly.

Section 7. From the reports made to him regarding such study the governor shall, with the advice of the advisory committee, make and submit to the twenty-eighth legislative assembly

(1) A full and complete report which shall contain the facts and matters set forth and contained in such reports together with such recommendations as such reports may contain;

(2) A report of any executive order or orders, with regard to any of such recommendations which he has made, if any, and he shall set out copies of such orders in his report; and

(3) Such recommendations, to the twenty-eighth legislative assembly, regarding such study and report, as he may deem proper.

Witnesses may be subpoenaed.

Section 8. The governor may appoint and designate one (1) or more residents and citizens of the State of Montana as special representatives of the State of Montana, and such person or persons shall have power to issue subpoenas, requiring the attendance of witnesses and the production of books, papers, documents and records, relating to any question or matter being studied and to administer oaths to persons subpoenaed as witnesses.

Appropriation.

Section 9. That to defray the cost of making such study and to fully carry out the provisions of this act there is hereby appropriated from the general fund of the State twenty thousand dollars ($20,000.00); provided that the total cost of such study, including the making and publication of all reports in connection therewith, shall not exceed the amount so appropriated. No money shall be paid for any expenses in connection with such study, except upon an order of the governor, and all claims therefor shall be audited by the state board of examiners and paid by warrants upon the state treasurer

Expenses, how paid.

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drawn against the appropriation hereby made for the payment thereof.

Repealing clause.

Section 10. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 11. This act shall be in full force and effect from and after its passage and approval.

Approved February 27, 1941.

CHAPTER 57

An Act to Amend Section 10149 of the Revised Codes of Montana, 1935, Relating to Estates Not Exceeding Fifteen Hundred Dollars to Go to Wife and Minor Child or Minor Children—Those Not Exceeding Three Thousand Dollars to be Summarily Administered.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 10149 Rev. Codes amended.

Section 1. That Section 10149 of the Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

"10149. **Estates Not Exceeding Fifteen Hundred Dollars ($1,500.00) to Go** *to Widow and Minor Child or Minor Children*—**Those Not Exceeding Three Thousand Dollars ($3,000.00) to Be Summarily Administered.** If, on the return of the inventory of the estate of an intestate, it appears that the value of the whole estate does not exceed the sum of fifteen hundred dollars ($1,500.00), the court or judge, *by an order of distribution for that purpose, must assign, set over and distribute to the widow for the use and support of herself and minor child or minor children, if there be a widow and minor child or minor children, and if there be no minor children, then for the use and support of the widow, and if no widow, then to the minor child or minor children, if there is or are any, for his or their use and support, the whole of the estate, including the fee simple title to the real estate, if any,* after the payment of the expenses of his last illness, funeral charges, and expenses of the administration, *subject to whatever mortgages, liens or encumbrances there may be upon said estate at the time of the death of the deceased,* and there must be no further proceedings in the administration, unless further estate be discovered; *when it so appears that the value of the whole estate does not exceed the sum of three thousand*

Estates not exceeding $1,500 to be distributed to widow and minor child or children.

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dollars ($3,000.00), and the expenses of his last illness, funeral charges, and expenses of administration, as well as all other debts of the estate, have been paid, it is in the discretion of the court or judge, by an order for that purpose after notice to all persons interested to appear on a day fixed to show cause why such order should not be made. to assign the whole of the estate to the widow and minor child or minor children, if there be a widow and minor child or minor children, and if there be no children then to the widow, and if no widow then to the minor child or minor children, in the same manner as above provided in the case where the value of the whole estate does not exceed the sum of fifteen hundred dollars ($1,500.00), and in such case also the title thereof shall vest absolutely in such widow and minor child or minor children, subject to whatever mortgages, liens or encumbrances there may be upon said estate at the time of the death of deceased. The notice to creditors must be given to present their claims within four (4) months after the first publication of such notice, and those not so presented are barred as in other cases."

Court may assign to widow and minor child or children estates not exceeding $3,000, when.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 28, 1941.

CHAPTER 58

An Act Amending Sections 4311 and 4328 of the Revised Codes of Montana of 1935, Defining the Boundaries of Cascade and Lewis and Clark Counties.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 4311 of the Revised Codes of Montana of 1935, be, and the same is hereby amended to read as follows:

Sec. 4311 Rev. Codes amended.

"Section 4311. **Cascade County.** Beginning at the intersection of the center of the channel of the Missouri river with the north line of township twenty-two (22) north, range six (6) east; thence running west on the line between townships twenty-two (22) and twenty-three

Cascade county.

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(23) north, to the northwest corner of township twenty-two (22) north, range one (1) east; thence south along the Montana principal meridian to the north line of township twenty-one (21) north; thence west along the north line of said township twenty-one (21) north to the northwest corner of township twenty-one (21) north, range two (2) west; thence south to the middle of the main channel of Sun river; thence westerly up the middle of the main channel of the Sun river to the Helena guide meridian; thence south along the Helena guide meridian to its intersection with the middle of the main channel of Dearborn river; thence down the middle of the main channel of Dearborn river to the north line of section twenty-four (24), township sixteen (16) north, range three (3) west; thence east along the north line of said section twenty-four (24) to the northwest corner of section nineteen (19), township sixteen (16) north, range two (2) west; thence east along the north line of section nineteen (19), township sixteen (16) north, range two (2) west to the northwest corner of section twenty (20); thence south along the section line to the southwest corner of section twenty (20), township sixteen (16) north, range two (2) west; thence east to the southeast corner of section twenty (20); thence north to the east quarter corner of section twenty (20); thence running east on the midsection lines to the east quarter corner on the east line of section twenty-four (24), township sixteen (16) range two (2) west; thence running south to the southwest corner of township fourteen (14) north, range one (1) west; thence running east to the southeast corner of township fourteen (14) north, range one (1) east; thence north to the southeast corner of township fifteen (15) north, range one (1) east; thence east to the southeast corner of township fifteen (15) north, range four (4) east; thence north to the southwest corner of township sixteen (16) north, range five (5) east; thence east along the line dividing townships fifteen (15) and sixteen (16) north, to the summit of the Little Belt mountains; thence following the summit of the Little Belt mountains in a southeasterly direction to an intersection with a line dividing ranges eight (8) and nine (9) east; thence running north along said line to the northeast corner of township fifteen (15) north, range eight (8) east; thence running west to the southwest corner of township sixteen (16) north, range eight (8) east; thence

Cascade county.

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north along the range line between ranges seven (7) and eight (8) east, as corrected by the United States government survey thereof to the quarter (¼) corner on the east boundary of section thirteen (13), township seventeen (17) north, range seven (7) east; thence west one-half (½) mile to the center of said section thirteen (13); thence north one (1) mile to the center of section twelve (12), township seventeen (17) north, range seven (7) east; thence west one-half (½) mile to the quarter (¼) corner on the west boundary of said section twelve (12); thence north along section lines a distance of four (4) miles to the quarter (¼) corner on the west boundary of section twenty-four (24), township eighteen (18) north, range seven (7) east; thence east a distance of three-fourths (3/4)of a mile to the northeast corner of the northwest quarter of the southeast quarter (NW¼SE¼) of said section twenty-four (24); thence south a distance of three-fourths (3/4) of a mile to the southwest corner of the northeast quarter of the northeast quarter (NE¼NE¼) of section twenty-five (25), township eighteen (18) north, range seven (7) east; thence east a distance of one-fourth (¼) of a mile to the southeast corner of the northeast quarter of the northeast quarter (NE¼NE¼) of said section twenty-five (25); thence north along the range line between ranges seven (7) and eight (8) east a distance of four and one-fourth (4¼) miles, more or less, to the northwest corner of township eighteen (18) north, range eight (8) east; thence east along the township lines between townships eighteen (18) and nineteen (19) north, to the northeast corner of said township eighteen (18) north, range eight (8) east; thence north along the range line between ranges eight (8) and nine (9) east to the northeast corner of township nineteen (19) north, range eight (8) east; thence west along the township line to the northwest corner of said township nineteen (19) north, range eight (8) east; thence north to the northeast corner of township twenty (20) north, range seven (7) east; thence west along the fifth standard parallel north to a point in the middle of the main channel of Belt creek; thence in a northwesterly direction following the main channel of Belt creek to the middle of the main channel of the Missouri river; thence along the main channel of the Missouri river to the place of beginning. The county seat is Great Falls, Montana."

Cascade county.

Section 2. That Section 4328 of the Revised Codes of

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Montana of 1935, be, and the same is hereby amended to read as follows:

Sec. 4328 Rev. Codes amended.

"Section 4328. **Lewis and Clark County.** Beginning at a point where the Sun river crosses the Helena guide meridian; thence up Sun river on the most northerly branch thereof that heads in the Rocky mountains to the crest of the said Rocky mountains; thence southerly along the crest of the said Rocky mountains to the point where said crest is intersected by the west boundary line of range eleven (11) west; thence south along the west boundary line of townships twenty (20), nineteen (19), eighteen (18), and seventeen (17) north, range eleven (11) west, to the southwest corner of township seventeen (17) north, range eleven (11) west; thence east along the south boundary of township seventeen (17) north, range eleven (11) west, to the northwest corner of township sixteen (16) north, range nine (9) west; thence south along the west boundary line of townships sixteen (16), fifteen (15), fourteen (14), and thirteen (13) north, range nine (9) west, to the southwest corner of township thirteen (13) north, range nine (9) west; thence east along the south boundary line of township thirteen (13) north, ranges nine (9) and eight (8) west, to the northwest corner of township twelve (12) north, range seven (7) west; thence south along the west boundary line of townships twelve (12) and eleven (11) north, range seven (7) west, to the southwest corner of section eighteen (18), township eleven (11) north, range seven (7) west; thence east along the south boundary lines of sections eighteen (18), seventeen (17), sixteen (16), fifteen (15), fourteen (14), and thirteen (13), township eleven (11) north, range seven (7) west, to the southwest corner of section eighteen (18), township eleven (11) north, range six (6) west; thence south along the west boundary line of said township eleven (11) north, range six (6) west to the southwest corner thereof; thence east along the south boundary line of said township (11) north, range six (6) west to the summit of the main range of the Rocky mountains; thence southeasterly along the said crest of the Rocky mountains to the head of Ten Mile creek; thence along the divide between Ten Mile creek and the waters of the North Boulder to the divide between the waters of Lump Gulch and Ten Mile creek; thence along said divide between the waters of Grizzly Gulch and Lump Gulch to the divide between the waters that come into

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Dry Gulch above Helena and the waters of Prickly Pear creek to the north peak of the mountains southeasterly from Helena, known as Dry Gulch mountain; thence due east to the center of the channel of the Missouri river; thence along the middle of the main channel of the Missouri river to an intersection with the west boundary line of section thirty-two (32), township ten (10) north, range one (1) east; thence north along said line to its intersection with Cave Gulch; thence up the said Cave Gulch to the summit of the Big Belt mountains; thence along the summit of the said mountains to the southwest corner of township fourteen (14) north, range one (1) east; thence west along the south line of said township fourteen (14) north, to the southeast corner of township fourteen (14) north, range two (2) west; thence north along the east line of range two (2) west to the quarter corner of the east line of section twenty-four (24), township sixteen (16) north, range two (2) west; thence running west on the midsection lines to the east quarter (¼) corner of section twenty (20), township sixteen (16) north, range two (2) west; thence south to the southeast corner of said section; thence west on the south line of said section to the southwest corner thereof; thence north along section line to the northwest corner thereof; thence west along the north line of section nineteen (19), township sixteen (16) north, range two (2) west, and the north line of section twenty-four (24), township sixteen (16) north, range three (3) west to its intersection with the center line of the middle of channel of the Dearborn river; thence up the middle of the main channel of the Dearborn river to its intersection with the Helena guide meridian; thence along the said Helena guide meridian to its intersection with Sun river, the place of beginning. The county seat is Helena, Montana."

Lewis and Clark county

Section 3. This act shall take effect upon its passage and approval.

Effective date.

Approved February 28, 1941.

CHAPTER 59

An Act to Amend Section 5070 of the Revised Codes of Montana, 1935, as Amended by Chapter 18, Session Laws, 1939, Relating to the Awarding of Contracts by Cities

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and Towns so as to Provide for Advertising of Bids for Contracts and Fixing the Period for such Advertisement.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 5070 Rev. Codes amended.

Section 1. That Section 5070, Revised Codes of Montana, 1935, as amended by Chapter 18, Session Laws, 1939, be, and the same is amended to read as follows:

Letting of contracts.

"Section 5070. All contracts for work, or for supplies, or for material, for which must be paid a sum exceeding five hundred dollars ($500.00), must be let to the lowest responsible bidder after advertisement for bids; provided that no contract shall be let extending over a period of three (3) years or more without first submitting the question to a vote of the taxpaying electors of said city or town. Such advertisement shall be made in the official newspaper, and if not it shall be made in a daily newspaper of general circulation published in the city or town, if there be such, otherwise in a weekly newspaper published therein, if there be such, otherwise by posting in three (3) of the most public places in the city or town. Such advertisement if by publication in a newspaper shall be made twice, the first publication to be made not more than twenty-two (22) days nor less than fifteen (15) days before the consideration of bids and the second publication shall be made not less than five (5) days nor more than ten (10) days before the consideration of bids. If such advertisement is made by posting, fifteen (15) days must elapse, including the day of posting, between the time of the posting of such advertisement and the day set for considering bids. The council may postpone action as to any such contract until the next regular meeting after bids are received in response to such advertisement, may reject any and all bids and readvertise as herein provided. The provisions of this section as to advertisement for bids shall not apply upon the happening of any emergency caused by fire, flood, explosion, storm, earthquake, riot or insurrection, or any other similar emergency, but in such case the council may proceed in any manner which, in the judgment of three-fourths (3/4) of the members of the council present at the meeting, duly recorded in the minutes of the proceedings of the council by aye and nay vote, will best meet the emergency and serve the public interest. Such emergency shall be declared and recorded at length in the minutes of the proceedings of the council at the time the vote thereon is taken and recorded."

Advertisement for bids.

Procedure in emergency.

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When the amount to be paid under any such contract shall exceed five hundred dollars ($500.00) the council may provide for the payment of such amount in installments extending over a period of not more than three (3) years; provided that when such amount is extended over a term of two (2) years at least forty per centum (40%) thereof shall be paid the first year and the remainder the second year, and when such amount is extended over a term of three (3) years, at least one-third (1/3) thereof shall be paid each year; provided that at the time of entering into such contract, there shall be an unexpended balance of appropriation in the budget for the then current fiscal year available and sufficient to meet and take care of such portion of the contract price as is payable during the then current fiscal year, and the budget for each following year, in which any portion of such purchase price is to be paid, shall contain an appropriation for the purpose of paying the same.

Contracts amounting to more than $500—payment in installments.

Every contract entered into for the rental of machinery, equipment, apparatus, appliances, materials or supplies of any kind, which shall provide for payment of rental by the city or town, and that after a certain fixed amount has been paid as rental the property shall become the property of the city or town, or any other similar provisions or conditions, shall be deemed and construed to be a contract for sale of such property, and all of the provisions of this Section shall apply thereto and govern and control the same.

Rental contracts construed as sale contracts.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Effective date.

Approved February 28, 1941.

CHAPTER 60

An Act to Amend Sections 5166 and 5167 of the Revised Codes of Montana of 1935, Relating to the Authority of Cities and Towns to Establish Swimming Pools, Skating Rinks, Playgrounds, and Museums, and the Power of the Municipal Council With Respect to the Same.

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Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 5166 Rev. Codes amended.

Section 1. That Section 5166 of the Revised Codes of Montana of 1935, be, and the same hereby is amended to read as follows:

Cities and towns may establish swimming pools, skating rinks, playgrounds and museums.

"Section 5166. **Cities and Towns Authorized to Establish Swimming Pools, Skating Rinks, Playgrounds** *and museums.* All cities or towns incorporated under the laws of the State of Montana, in addition to other powers conferred upon them, may, in their discretion, construct, establish, maintain, and operate swimming pools, skating rinks, playgrounds *and museums,* and to defray the cost and expense of constructing, establishing, maintaining, and operating the same from the park funds of said city or town."

Sec. 5167 Rev. Codes amended.

Section 2. That Section 5167 of the Revised Codes of Montana, be, and the same is hereby amended to read as follows:

Power of city or town council with respect to same.

"Section 5167. **Power of Municipal Council With Respect to Same.** Power and authority is hereby granted to the city or town council of all cities and towns incorporated under the laws of the State of Montana to make and pass all by-laws, ordinances, resolutions, rules, and orders necessary for the establishment, maintenance, regulation, and operation of swimming pools, skating rinks, playgrounds, *and museums,* including the power to establish by ordinance a reasonable and uniform charge for the privilege of using the same."

Repealing clause.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 28, 1941.

CHAPTER 61

An Act Validating Certain Tax Deeds and Providing That No Such Deed Shall be Held Invalid by Reason of the Failure of any County to Comply with the Requirements of the Land Classification Laws of this State.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. No tax deed heretofore or hereafter issued in this State shall be held invalid, nor shall its legality be

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in any manner whatsoever affected by reason of the prior failure of the board of county commissioners of any county to provide for the classification of the lands in such county as required by Sections 2024 to 2031 inclusive of the Revised Codes of Montana of 1935. This enactment shall be retroactive and shall apply to all tax deeds heretofore as well as those hereafter issued under any law of the State of Montana providing a method of applying for and securing deed to lands sold for delinquent taxes. All tax deeds heretofore issued under the laws of Montana are hereby legalized and declared to be valid, notwithstanding that the lands thereby conveyed may not have been classified under the statutes herein referred to.

Validation of tax deeds not withstanding failure to classify lands.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Approved February 28, 1941.

CHAPTER 62

An Act Requiring the Countersignature of Insurance Policies by Resident Agents; Limiting Right of Countersignature to Resident Agents of Commission Paying Companies Except Such Companies Soliciting Business by Salaried Representatives; Providing for a Minimum Commission Which Shall Be Payable to Resident Countersigning Agents on Risks Located in this State that the Policies for which Originate Without the State; Resident Agents to Keep Records of Policies so Originating Without the State so that the State May Receive the Premium Tax; Permitting Exchange of Business and Division of Commission by Resident Agents; Providing that this Act Shall not be Applicable to Rural Mutual Insurance Companies nor to Companies who Solicit Insurance by Salaried Representatives to Whom and upon which no Commission Is Paid nor to Life Insurance Companies nor to Fraternal Benefit Societies; Providing Penalties for the Violation of this Act; and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. It shall be unlawful for any insurance company or association to write, issue, place or cause to be

Unlawful, what.

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written, issued or placed in this State, any policy, bond, duplicate policy, contract of indemnity or insurance of any kind or character, hereinafter called contracts of insurance, covering risks on any persons, property, insurable business, activity or interest, located or transacted within this State, unless written through and countersigned by a resident agent of this State, duly licensed to transact such insurance, bonding or indemnity business therein. No such resident agent shall countersign contracts of insurance or endorsements in blank.

Countersignature of insurance policies by resident agents required.

Countersigning in blank forbidden.

Section 2. Only resident agents within this State, whose compensation for soliciting and writing insurance is by way of commission figured as a percentage of the premium for each contract of insurance written, may countersign contracts of insurance or endorsements thereto within this State; provided, however, the provisions of this section shall not apply to mutual or stock companies soliciting insurance by salaried representatives who are paid no commission on contracts of insurance written. Except as hereinafter provided, no branch manager, state agent, special agent, general or any other like supervisory agent or any other representative of an insurance company, hereinafter referred to as company representative, whose compensation in the insurance business is derived either in whole or in part by salary, may countersign contracts of insurance or endorsements thereto; however, in any case where it is necessary to execute an emergency contract of insurance, where a resident agent is not available who has authority to execute such contract, a company representative may execute the contract in the first instance in order to produce a valid contract between the company and the obligee or the insured; provided such contract of insurance is subsequently countersigned by a resident agent who shall keep a written record of all such contracts of insurance issued.

Only resident agents paid by commission may countersign.

Salaried representatives may not countersign.

Exception—emergency contract.

Section 3. In the event contracts of insurance or endorsements thereto on risks located within this State, as defined in Section 1, are contracted for or otherwise originate without the State of Montana, then in that event, there shall be payable to the countersigning agent, resident of the State of Montana, a commission which shall not be less than five per cent (5%) of the premium charged for such policy or contract of insurance or endorsement thereto, when the premium is paid, to the end that the State may receive the tax required by law to be paid on the premiums

Commission of resident agents on policies originating with the state.

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collected for insurance on any persons, property, insurable business, activity or interest, located or transacted within this State; provided that where the originating agent or broker or the company assuming the risk desires additional service to be rendered during the life of the contract of insurance, then and in such cases the compensation to be paid to the countersigning resident agent shall be a matter of contract between the parties in interest.

Resident agents to keep record of policies issued at principal or department offices of companies.

Section 4. Nothing in this act shall be construed to prevent any insurance company or association from issuing contracts of insurance at its principal or department offices; provided, however, such contracts of insurance are subsequently countersigned by a resident agent, who shall keep a written record of all such contracts of insurance so issued, and that said resident agent or agents shall receive the commission on all such contracts of insurance when the premium is paid.

Agents may exchange business and divide commission.

Section 5. It shall be lawful for any duly authorized resident agent in this State, licensed to negotiate contracts of insurance, to exchange business with other resident agents in this State authorized to transact the same character of business, and to divide the commission on the premiums collected on contracts of insurance with any resident agents in this State.

Exception.

Section 6. **Exception.** No provision of this act is intended to, nor shall it apply to direct insurance covering the rolling stock of a railroad corporation or property in transit while in the possession and custody of railroad corporations or other common carriers engaged in interstate commerce or of property in transportation.

Companies excluded from operation of this act.

Nor shall any of the provisions of this act apply to the business of mutual or stock insurance companies who solicit insurance by salaried representatives and upon which no commission is paid, nor to mutual rural insurance companies, as defined in Sections 6170 to 6205 Revised Codes of Montana, 1935, nor to fraternal benefit societies, as defined in Sections 6305 and 6306 Revised Codes of Montana, 1935, nor to assessment life insurance companies, as defined in Section 6293 Revised Codes of Montana 1935, nor to stock and mutual life insurance companies, each and all of which said companies, societies and associations are hereby expressly excluded from the operation of this act.

Section 7. Any person or company violating any of the

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Penalty

provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction shall be liable for a penalty of not to exceed one hundred dollars ($100.00) for each violation thereof.

Severability of act.

Section 8. If any section, sentence, clause or phrase of this act is for any reason held to be unconstitutional or invalid, such decision shall not effect the validity of the remaining portion of this act.

Repealing clause.

Section 9. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 10. This act shall be in full force and effect from and after its passage and approval.

Approved, March 1, 1941.

CHAPTER 63

An Act to Amend Section 1019.5 and Section 1019.6 of the Revised Codes of Montana of 1935, Relating to the Preparation and Adoption of Preliminary School District Budgets and the Giving of Notice of Meeting to Prepare and Adopt such Preliminary Budgets and Repealing all Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 1019.5 Rev. Codes amended.

Section 1. Section 1019.5 of the Revised Codes of Montana of 1935, shall be, and the same is hereby amended to read as follows:

Notice of meeting to prepare and adopt preliminary budget.

"Section 1019.5 **Notice of Meeting to Prepare and Adopt Preliminary Budget.** The county superintendent of schools must, during the month of May, in each year, and before the thirty-first day of such month, cause a notice to be published one (1) time in the official newspaper of the county, stating that in each school district in the county the board of trustees will meet in regular session on the *fourth* Monday in June, at its usual place of meeting, and will at such meeting prepare and adopt a preliminary budget for the next ensuing school year, and that any taxpayer in the district may appear at such meeting and be heard on such preliminary budget."

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Section 2. Section 1019.6 of the Revised Codes of Montana of 1935, shall be, and the same is hereby amended to read as follows:

Sec. 1019.6 Rev. Codes amended.

"Section 1019.6 **Preparation and Adoption of Preliminary Budget.** At the regular meeting of the board of trustees of each school district on the *fourth* Monday in June such board must consider, prepare and adopt a preliminary budget for the next ensuing school year. Any taxpayer in the district may appear at such meeting and be heard in regard to the preliminary budget or any item or amount proposed to be included therein. Such meeting may be continued from day to day, but not exceeding three (3) days in all; provided, that in first and second class districts such meeting may be continued over a period of not more than five (5) days. When the board has determined the amount necessary to be expended for each item contained in such budget form there shall be entered in column 2 of section I and in column 2 of section II of the budget form the amount proposed to be expended during the ensuing fiscal year for each item contained in such form, and such preliminary budget shall then be signed by a majority of the trustees and the clerk of the district, and the clerk of the district must deliver or transmit such preliminary budget, when so filled in and signed, to the county superintendent of schools on or before the first day of July. If the estimated expenditures set forth in either lines 2 or 4 shall provide for payment of salary or compensation to more than one (1) person, there shall be set forth on a separate sheet but attached to and made a part of such preliminary budget, each position or employment with the salary or compensation to be paid to each person filling the same."

Preparation and adoption of preliminary budget.

Section 3. All acts or parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 4. This act shall be in full force and effect from and after the date of its passage and approval.

Effective date.

Approved February 28, 1941.

CHAPTER 64

An Act to Amend Section 1263.4 and Section 1263.5 of the Revised Codes of Montana of 1935 as Amended by Chapter 166 of the Laws of the Twenty-sixth Legislative As-

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sembly of 1939 Relating to the Budget Meeting of Boards of High School Trustees and the Giving of Notice of Such Meetings.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 1263.4 Rev. Codes amended.

Section 1. Section 1263.4 of the Revised Codes of Montana of 1935, shall be and the same is hereby amended to read as follows:

Preliminary budget meeting—notice.

"Section 1263.4. **Preliminary Budget Meeting—Notice—Consideration of Elementary Grade Budget.** The county superintendent of schools must, during the month of May, in each year, and before the thirty-first day of such month, cause a notice to be published one (1) time in the official newspaper of the county stating that the board of trustees of each school district maintaining a high school, and of the county high school, if there be one, will meet in session on the *fourth* Monday in June, at the usual place of meeting, and will at such meeting prepare and adopt a preliminary budget for all purposes connected with the district or county high school for the next ensuing school year, and that any taxpayer may appear at such meeting and be heard on such preliminary budget; provided that, instead of publishing a separate notice of the meetings of such boards of trustees for such purpose, the same may be included in the notice of meetings of the boards of trustees of school districts for the purpose of adopting preliminary budgets for elementary grades of such school districts, provided for in Section 1019.5."

Sec. 1263.5 Rev. Codes amended.

Section 2. Section 1263.5 of the Revised Codes of Montana of 1935, shall be, and the same is hereby amended to read as follows:

Budget meeting.

"Section 1263.5. **Budget Meeting—Restriction on Appropriations—Maximum Allowance Per Pupil—Extra Levy—Computation of Attendance.** The board of trustees of every district maintaining a high school and of every county high school, shall meet at the regular place of meeting of the board on the *fourth* Monday in June and consider, prepare and adopt a preliminary budget for the next ensuing school year for all high school purposes, and any taxpayer may appear at such meeting and be heard in regard to the preliminary budget. Such meeting may be continued from day to day, but not exceeding three (3) days in all for third class high school districts, or five (5)

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days in all for first and second class high school districts and county high schools. The total amount appropriated in part I of the preliminary budget for any high school shall not exceed the total amount of estimated receipts for the general fund of such high school, as set out in the county superintendent's estimate of high school revenues, contained in the budget form, and the total amount appropriated in part I of the preliminary budget for any high school shall not, in any event, exceed per eligible pupil enrolled and in regular attendance for forty (40) days or more, during the then current high school year in which the preliminary budget is adopted, the following maximums: (a) For a school enrolling sixty (60) or fewer pupils the budget shall not exceed one hundred seventy-five dollars ($175.00) for each such pupil. For a school enrolling more than sixty (60) pupils the maximum of one hundred seventy-five dollars ($175.00) shall be decreased at the rate of twenty-five cents (25c) for each such additional pupil until the number enrolled shall have reached a total of one hundred sixty (160) such pupils. For a school enrolling more than one hundred sixty (160) pupils the maximum of one hundred fifty dollars ($150.00) shall be decreased at the rate of fifteen cents (15c) for each such additional pupil until the number enrolled shall have reached two hundred sixty (260) such pupils. For a school enrolling more than two hundred sixty (260) pupils the maximum of one hundred thirty-five dollars ($135.00) shall be decreased at the rate of ten cents (10c) for each such additional pupil until the total number enrolled shall have reached three hundred sixty (360) such pupils. For a school enrolling more than three hundred sixty (360) pupils the maximum of one hundred twenty-five dollars ($125.00) shall be decreased at the rate of five cents (5c) for each such additional pupil until the total enrollment shall have reached five hundred sixty (560) such pupils. For a school enrolling more than five hundred sixty (560) pupils the maximum shall not exceed one hundred fifteen dollars ($115.00) for each such pupil provided that the maximum per pupil for all pupils enrolled shall be figured on the basis of the amount allowed herein on account of the last enrolled eligible pupil; provided further that nothing herein shall be construed to limit the expenditure of any and all amounts received as tuition and from other states and counties for non-resident pupils in addition to all other expendible income budgeted for. (b) In districts where an application to establish a high

Restriction on appropriations.

Allowance per pupil

Expenditure of tuition received.

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school or high schools has been approved by the state superintendent of public instruction, the maximum for the first year shall be the same as that provided for under subdivision (a) of this section; provided further, that nothing herein contained shall be construed as preventing any school district from voting upon itself an additional levy for high school purposes, in accordance with the general school laws pertaining to the voting of additional levies by school districts. For the purpose of ascertaining and determining the number of pupils enrolled and in regular attendance for forty (40) days or more, for all the purposes of this act, there shall be excluded all pupils over the age of twenty-one (21) years, all pupils who have been graduated from a four (4) year accredited high school, and all pupils enrolled in the school who are not resident of the county in which the high school is located."

Additional levy.

Computation of attendance.

Repealing clause.

Section 3. All acts or parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 4. This act shall be in full force and effect from and after the date of its passage and approval.

Approved February 28, 1941.

CHAPTER 65

An Act to Amend Section 1002 and 1003 of the Revised Codes of Montana, 1935, as Amended by Chapter 83 of the Twenty-sixth Legislative Assembly of 1939, Relating to the Qualifications of the Electors, Challenges and Oath of Voters for School Elections, and Repealing All Acts or Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 1002 Rev. Codes amended.

Section 1. Section 1002 of the Revised Codes of Montana of 1935, as amended by Chapter 83 of the Laws of the twenty-sixth legislative assembly of 1939, shall be, and the same is hereby amended to read as follows:

Qualification of electors.

"Section 1002. **Qualifications of Electors.** Every citizen of the United States of the age of twenty-one years or over who has resided in the State of Montana for one year, and thirty days in the school district next preceding the election, may vote thereat."

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Section 2. Section 1003 of the Revised Codes of Montana of 1935, as amended by Chapter 83 of the Laws of the twenty-sixth legislative assembly of 1939, shall be, and the same is hereby amended to read as follows: Sec. 1003 Rev. Codes amended.

"Section 1003. **Challenges—Oath of Voters.** Any person offering to vote may be challenged by any elector of the district, and the judges must thereupon administer to the person challenged an oath or affirmation in substance as follows: Challenges.

"You do solemnly swear (or affirm), that you are a citizen of the United States; that you are twenty-one years of age; and that you have resided in the State one year, and in this school district thirty days next preceding this election, and that you have not voted this day, so help you God." Oath of voters.

If he takes this oath or affirmation, his vote must be received; otherwise rejected. Any person who shall swear falsely before any such judge of election shall be guilty of perjury, and shall be punished accordingly." False swearing —penalty.

Section 3. All acts or parts of acts in conflict herewith are hereby repealed. Repealing clause.

Section 4. This act shall be in full force and effect from and after the date of its passage and approval. Effective date.

Approved February 28, 1941.

CHAPTER 66

An Act Defining 'Maternity Hospitals' and Providing for the Licensing, Inspection, and Regulation of Maternity Hospitals by the State Board of Health, and Providing a Penalty for the violation of the Provisions of this Act, and Repealing all Acts or Parts of Acts in Conflict With this Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. **Maternity Hospital Defined.** Any person who receives for care or treatment during pregnancy or during delivery or within ten (10) days after delivery more than one woman within a period of six (6) months, except women related to him or her by blood or marriage, shall be Maternity hospital defined.

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deemed to maintain a maternity hospital. The word "person", where used in this act, shall include individual, partnership, voluntary association or corporation.

License required.

Section 2. **License Required.** No person shall maintain or operate a maternity hospital in this State without first obtaining a license in writing each year from the state board of health as hereinafter provided.

Issuance of licenses.

Section 3. **Issuance of Licenses.** The state board of health is hereby authorized to issue licenses to persons conducting maternity hospitals and to prescribe the conditions upon which such licenses shall be issued, making such rules and regulations as it may deem advisable for operation and regulation of maternity hospitals, and the state board of health is further authorized, through its duly authorized representative, to inspect every maternity hospital operated or maintained in the State and the person or persons in charge thereof shall give the state board of health and its representative the information required and afford them every reasonable facility for observing the operation of such hospitals.

Rules and inspection.

Penalty

Section 4. Any person who maintains or conducts or assists in maintaining or conducting a maternity hospital without first having obtained a license in writing, as provided in Section 2 of this act, shall be punished upon conviction by imprisonment in the county jail for not more than six (6) months, or by a fine not to exceed five hundred dollars ($500.00), or both such fine and imprisonment.

Repealing clause.

Section 5. All acts and parts of acts in conflict with this act are hereby repealed.

Approved February 28, 1941.

CHAPTER 67

An Act Providing for the Appointment and Establishment of a Board of Embalmers and Funeral Directors, Defining its Duties and Powers; Transferring the Records, Files and Funds of the Montana State Board of Health, Relating to the Supervision of Embalming to the Board Herein Created; Providing that all Funds be Deposited With the Treasurer of the State of Montana; Defining

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the Profession of Embalming and Funeral Directing; Providing for the Qualifications of Embalmers and Funeral Directors, Internes and Apprentices, and Providing for the Examination Thereof; Providing for Licensing Embalmers, Internes and Apprentices, and Funeral Directors, and Prescribing the Fees and Renewal Fees Therefor; Prohibiting the Practice of the Profession of Embalmer, Interne and Apprentice and Funeral Director Without a License, and Prescribing Penalties for the Violation of this Act; Permitting those now Licensed as Embalmers, and Funeral Directors practicing for more than One Year Prior to the Passage of this Act to Obtain a License Without Examination; Providing for the Suspension, Revoking and Cancelling of Licenses, Notice Thereof, and Appeals to the Courts from the Action of the Board Thereon; Providing that if any Part of this Act be Declared Unconstitutional the Remaining Portions Should Not Be Affected; and Providing that Persons Enrolled as Students in a Grade "A" Embalming College on the Effective Date of this Act Shall be Exempt from Certain Provisions of the Act; and Repealing all Acts, or Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. From and after the passage of this act there is hereby created a state board, known and designated as a board of embalmers and funeral directors of the State of Montana, consisting of five (5) members, all of whom have heretofore been licensed at the time of their appointment, and who shall have been, for more than one (1) year prior to the passage of this act, engaged in funeral directing as herein defined, and who shall be appointed by the governor, with the consent of the senate. The first board shall be appointed on or before July 1, 1941, and members shall be appointed for five (5) years, except that in the first appointment one of the board shall be appointed for one (1) year, one for two (2) years, one for three (3) years, one for four (4) years and one for five (5) years. Thereafter, annually, at the expiration of the term of a member of said Board, on the 1st day of July of each year, commencing July 1942, the governor shall, by and with the consent of the senate, appoint one (1) person, who shall serve as a member of said board for a period of five (5) years, or until his successor is appointed and qualified. The member so appointed on the 1st day of July, 1942, and the

Board of embalmers and funeral directors created.

Members—appointment and term.

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1st day of July of each and every year thereafter, shall immediately assume the duties of his office, and shall, in all respects, be a fully qualified member.

Section 2. All records, files and funds in the office of the Montana state board of health, or in the possession of any and all persons whomsoever, in connection with the administration, supervision and control of embalmers and funeral directors of the State of Montana, shall be delivered to the board created under this act. Said board shall have the power to select a president, secretary and treasurer; and to adopt and promulgate and enforce such rules and regulations for the transaction of its business and the management of its affairs, the betterment and promotion of the educational standards of the profession of embalming and funeral directing and the standards of service and practice to be followed in the profession of embalming and funeral directing in the State of Montana as it deems expedient and consistent with the laws of the State of Montana. Said board may, by its rules and regulations, provide for the care or disposition of dead human bodies in sparsely populated sections of the State of Montana, when it is impossible to procure the services of a licensed embalmer.

Powers of board.

The board shall hold not less than one meeting annually for the purpose of examining applicants for licenses, such meetings to be held on the second Wednesday in July, at Helena, Montana. Time and place of each such meeting shall be given by publication in three (3) daily newspapers of general circulation, each in different locations in the State, said publication to be once a week for two (2) consecutive weeks immediately preceding each such meeting. All manuscript submitted as answers to questions in an examination shall be kept on file for six (6) months by the board and shall be made available for review by the applicant in the presence of a member of the board, or shall be made available in case the applicant appeals.

Annual meetings for examination of applicants for licenses.

The board shall publish in its rules and regulations the subjects to be covered in the examination and the standards to be attained thereon.

The board may hold such other meetings as it may deem necessary and may transact any business at any such meeting, and notice of the time, place and purpose of such meeting shall be given to the members of the board.

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Three (3) or more members shall comprise a quorum authorizing the board to transact the business prescribed under this act.

All of the members of the said board shall serve without compensation, providing that each member shall be reimbursed for his necessary traveling expenses, and the necessary expense incident to his attendance upon the business of the board, and providing the secretary shall receive and be paid an annual salary, the amount and method of payment of which shall be fixed by said board, and in addition thereto, such secretary shall receive his necessary traveling and other incidental expenses as are incurred in the performance of such duties and all of such expenses, and compensation shall be paid out of the receipts of the board.

Compensation of members and secretary.

The board may employ such clerical or other help or assistance as may be necessary to carry out the provisions of this act, and the terms of such employment shall be designated by the board.

Employment of help.

The board may, in its discretion, employ and pay any licensed embalmer on a per diem basis and necessary expenses incident to such employment in such amount as shall be fixed by the board, for the purpose of investigating and reporting to the board violations of the laws of the State of Montana in relation to embalming and funeral directing.

Employment of investigator.

The treasurer of the board shall give bond to the State of Montana in such sum as the board shall direct, and such bond shall contain two (2) or more sureties, or in a reliable surety company approved by the board, and such bond shall be conditioned for the faithful discharge of the duties of such officer. Such bond, with the oath of office and the approval of the board endorsed thereon, shall be deposited with the treasurer of the State of Montana.

Treasurer of board —bond.

Section 3. Any person desiring to practice embalming in the State of Montana must be possessed of the following qualifications:

Qualifications of applicants for licenses to practice embalming.

(1) Must be at least twenty-one (21) years of age;

(2) Must be of good moral character;

(3) Must present to the board a diploma of graduation from high school, and in addition shall be a graduate of a grade "A" embalming college.

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Examination fee.

Any person possessed of such qualifications may apply to the board for a license, and upon payment of an application fee of twenty-five dollars ($25.00), may take the examination prescribed by the board. The board shall prepare the form of examination and relating questions, and shall, in all respects conduct said examination and grant or refuse licenses, based upon the examination held. Said examination shall be held annually, at the city of Helena, Montana, on the second Wednesday in July of each and every year. An applicant who shall pass said examination shall be granted a license to practice as an interne and apprentice embalmer under a licensed embalmer of the State of Montana, and at the end of one (1) year's internship and apprenticeship shall have a right to apply for a final license as an emblamer. Such application shall be made to the board, and if the board finds that such applicant has fully complied with the law and the rules and regulations of the board, he shall be granted a license to engage in the profession of embalming in the State of Montana. No person shall carry on the profession of embalming, or act as an interne or apprentice without a license. The annual license fee payable to the board of an interne and apprentice shall be two dollars and fifty cents ($2.50). The annual renewal license fee, payable to the board, on the 1st day of July of each and every year, shall be as follows: For an interne and apprentice, two dollars and fifty cents ($2.50); for an embalmer, five dollars ($5.00); for a funeral director two dollars ($2.00).

License to practice as an interne and apprentice.

License to engage in profession of embalming.

License fees.

"Interne and apprentice" defined.

An interne and apprentice is hereby defined to be a person possessed of the qualifications provided by this Section for the practice of embalming and who has taken and successfully passed the examination herein provided for embalmers.

Funeral director—qualifications.

Section 4. Any person desiring to become a funeral director must possess the following qualifications:

(1) Must be over the age of twenty-one (21) years;

(2) Must be of good moral character;

(3) The applicant shall, before application is granted, successfully pass an examination upon the following subjects: burial permits and returns, funeral directing, sanitary science, health and sanitary regulations, the laws governing the preparation, disposal and transportation

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of dead human bodies, and the shipment of bodies of persons dying from infectious or contagious diseases.

(4) Any person possessed of such qualifications may apply to the board for a funeral director's license, and upon the payment of an application fee of twenty-five dollars ($25.00), may take the examination prescribed by the board.

Application for license —fee.

(5) No persons shall carry on the profession of funeral director without a license.

The board shall prepare the form of examination and related questions and shall, in all respects, conduct said examination and grant or refuse licenses, based upon the application and upon the examination held. Said examination shall be held annually at the city of Helena, Montana, annually, on the second Wednesday of July of each and every year.

Examination

Section 5. That for the purposes of this act, the term "embalming" shall be construed to mean the preservation and disinfection of the dead human body by application of chemicals externally, or internally, or both. The term "funeral directing" or "funeral director" as used in this act shall be construed to mean the profession of supervising funerals, or the profession of preparing dead human bodies for burial, other than by embalming, or the disposition of dead human bodies; or the provisions or maintenance of a place for the preparation for disposition or for the care or disposition of dead human bodies, or the use in connection with a business of the word or term from which can be implied the business of funeral directing; or the holding out to the public that one is a funeral director.

Definitions: "embalming."

"Funeral directing."

Section 6. Any person desiring to engage in the profession of embalming or funeral directing, or both, as defined in this act, shall make application to the board and conform to the provisions of this act, and the rules and regulations of the board.

Every person, firm, or corporation violating any of the provisions of this act shall be guilty of a misdemeanor.

Violation, a misdemeanor

No person shall carry on the profession or discharge any of the duties of embalming or funeral directing, or act as an interne or apprentice, as defined in this act, unless a license has been issued to him, and unless he shall have fully complied with the provisions of this act. Such

Embalming or funeral directing without license forbidden.

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license shall be signed by the president and the secretary of the board, to which license shall be affixed the seal of said board, and such license or licenses shall be non-transferable and non-negotiable. Such license shall be registered by the holder or owner with the state department of health.

Examination of persons now holding licenses as embalmers not required.

Any person now holding a license granted by any authority of this State to carry on the profession of embalming shall not be required to make a new application, or submit to an examination, but shall be entitled to renewal of his license upon the same terms and conditions as are herein provided for the renewal of licenses of those who may be licensed after the passage of this act, but all such persons shall be subject to every other provision of this act and such rules and regulations as the board may adopt in pursuance of this act.

Examination of persons now and for more than one year engaged in funeral directing, not required.

All persons now, and for more than one (1) year prior to the passage of this act, engaged in funeral directing, as herein defined, shall not be required to make a new application or submit to any examination, but shall be entitled to a renewal license, upon the same terms and conditions as are herein provided for the renewal of licenses of those who may be licensed after the passage of this act. Provided further, that persons licensed to engage in embalming shall be entitled, upon application, to receive a license, upon payment of two dollars ($2.00) annual license fee, to engage in the profession of funeral directing, but no funeral director, by reason of his license as such, shall engage in the profession of embalming as defined herein.

Registration of internes and apprentices.

Section 7. Every person employed as an interne and apprentice by any person or persons engaged in the profession of embalming shall be by such embalmer registered with said board at the time of the beginning of said internship or apprenticeship, and notice of the termination of the same must likewise be forwarded to the secretary of the board; such registration shall also be made once in every year by the employer of such interne or apprentice at the time of the renewal of the license of the employer. A fee of one dollar ($1.00) shall be paid for such registration.

Reasons for denial, suspension or revocation of licenses.

Section 8. The board may refuse to grant, may suspend, or may revoke any license granted to any person for any of the following reasons:

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(1) If the applicant therefor or holder thereof obtained said license by fraud or misrepresentation, either in the application for such license, or in passing the examination therefor;

(2) If the applicant therefor or holder thereof has been convicted of a felony;

(3) If the applicant therefor or holder thereof has been guilty of wilfully violating any Section of this act or any rule or regulation of the State, district, or local board of health governing the disposition of dead human bodies.

(4) If the holder has promoted or is promoting or has participated in, or is participating in any scheme in the nature of a burial association or burial certificate plan wherein the rights of the public are not properly protected, or wherein there is any element of fraud, or wherein there is contained any agreement or provision that deprives heirs or next of kin of freedom of choice as to the type, style, or price of equipment used in connection with a funeral, or the freedom of choice as to what funeral director shall be employed. Provided that nothing herein contained shall be construed so as to prevent any such holder from performing his obligations under any contract executed prior to the effective date of this act, provided further that no person shall be refused a license, or have his license suspended or revoked by reason of his employment, intended employment, affiliation or participation with any incorporated cooperative funeral association, and this Section shall in no way limit the right of any and all persons to form, conduct and operate an incorporated cooperative funeral association. Proviso

No action to suspend, revoke, or cancel any license shall be taken by the board until the accused has been furnished with a statement of the charges against him and notice of the time and place of hearing thereof, the furnishing of such notice and the charges to be given said accused at least thirty (30) days prior to the date of hearing. If, upon such hearing, the board finds the charges true, it may revoke or suspend the license of the accused person. A stenographic report of each proceeding to revoke or suspend the license shall be made at the expense of the board and a transcript thereof kept in its files, and a copy of such transcript shall be furnished to the person so charged and accused. Charges and hearing.

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Appeals to district court.

Any person who has been refused a license or whose license has been revoked or suspended, may file with the secretary of the board, within thirty (30) days after the decision of the board, a written notice of appeal therefrom to any district court of the State of Montana, and such court shall be limited in its proceedings therein to a determination as to whether the action of the board was in accord or consistent with this act or the constitution of this State, or was arbitrary or an abuse of discretion. Upon the filing of such notice, the secretary of the board shall transmit to the clerk of such court the record of such proceedings. The judgment of any such district court of the State of Montana, may, in the manner provided for appeal of civil action, be reviewed upon proceedings on appeal in the supreme court.

Disposition of fees collected

Section 9. All fees collected under the provisions of this act shall be paid to the treasurer of the board and by him deposited monthly with the treasurer of the State, in a special fund for the exclusive use of the board, and such fees shall be used for the purposes of defraying the necessary expenses of said board in the administration of this act.

Severability of act.

Section 10. If any provisions of this act shall be held to be unconstitutional or invalid or unenforceable, such unconstitutional, invalid or unenforceable provision shall be considered severable from the remainder of this act, although contained in Sections containing other provisions and shall be excluded from this act, and the fact that said provisions shall be held to be unconstitutional, invalid, or unenforceable, shall in no wise effect any other provision of this act although contained in the same Sections the legislative assembly hereby declaring that all Sections of this act or parts are independent Sections and parts of Sections and that it would have passed the remaining Sections and parts of Sections of said act, and each provision thereof, notwithstanding the unconstitutionality, invalidity, or unenforceability of any other portion thereof.

Interpretation of act

Section 11. In the interpretations of this act, words in the masculine gender include the feminine and neuter genders. Whenever the word "board" is used in this act, it shall be construed to mean and refer to the board of embalmers and funeral directors of the State of Montana.

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Section 12. The provisions of this act relative to the qualifications of persons to become embalmers shall not apply to, or be deemed to affect bona fide residents of the State of Montana, who shall be enrolled as students in a grade "A" embalming college at the time this act goes into effect, and such persons shall have the qualifications now required to become an embalmer, and shall be licensed in the manner as is now required by law.

Certain students not affected by this act.

Section 13. All acts or parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Approved February 28, 1941.

CHAPTER 68

An Act Authorizing the State Depository Board to Invest Moneys Belonging to State Bond Sinking and Interest Funds in Certain Classes of Securities.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Whenever there is any money in any state bond sinking and interest fund, either now existing or hereafter created and established, which is not required for the immediate payment of any bond principal or interest, or which cannot be used for the payment and redemption of bonds outstanding because of the same not being then redeemable under the option provisions contained therein, the state depository board is hereby authorized to invest such moneys in bonds of the State of Montana, revenue bonds of the State of Montana or bonds of the United States; in bonds issued by any agency or department of the United States, the payment of principal and interest of which bonds is guaranteed by the United States, and in interest bearing warrants drawn against the general fund of the State of Montana; provided, however, that none of such moneys shall be invested in bonds or securities except such as will be called in and paid at least fifteen (15) days prior to the time such moneys are required for payment of principal and interest of such outstanding state bonds to which such sinking and interest fund belongs, or the time when such moneys can be used for such purpose because of the optional date pro-

State depository board authorized to invest money of state bond sinking and interest fund in certain securities.

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vided for in the bonds in which such moneys are invested having arrived.

Effective date.

Section 2. This act shall be in full force and effect from and after its passage and approval.

Approved February 28, 1941.

CHAPTER 69

An Act to Amend Section 3778.6 of the Revised Codes of Montana of 1935, Classifying Fur Dealers' Licenses and providing for the Fees to Be Paid Therefor.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 3778.6 Rev. Codes amended.

Section 1. That Section 3778.6 of the Revised Codes of Montana of 1935, be and the same is hereby amended to read as follows:

Classification and fees for licenses.

"Section 3778.6. **Classification and Fees for Licenses.** The following classes of licenses shall be issued to-wit:

Resident fur dealer's license.

Non-resident fur dealer's license.

Fur dealer's agent's license.

And the following fees charged therefor:

Resident fur dealer's license, *one ($1.00) dollar for each county in which the resident fur dealer purchases furs.*

Non-resident fur dealer's license, *twenty-five ($25.00) dollars.*

Fur dealer's agent's license, *ten ($10.00) dollars.*

Any person who is employed by a resident or non-resident fur dealer as a fur buyer shall be deemed a fur dealer's agent. Application for a fur dealer's license must be made by the fur dealer employing said agent and no agent's license shall be issued until the necessary fur dealer's license has first been secured by the employer of said agent."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 28, 1941.

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CHAPTER 70

An Act Relating to Public Health and Sanitation, Defining Mattresses, Regulating the Making, Remaking and Sale Thereof, Prohibiting the Use of Insanitary or Unhealthful Materials Therein, Providing for the Proper Labeling Thereof, and Providing Penalties for Violations Thereof.

Be it enacted by the Legislative Assembly of the State of Montana:

"Mattress" defined.

Section 1. The term "mattress" as used herein shall be construed to mean any quilted pad, comforter, mattress, mattress pad, hammock pad, bunk quilt, settees, couches, day beds, davenports and overstuffed chairs, cushion or pillow stuffed or filled with wool, hair, cotton, cotton linters, kapok, feathers or other soft material capable of use for sleeping or reclining purposes.

Remaking mattresses —use of material regulated.

Section 2. No person, firm or corporation, by himself or by his agents, servants or employees shall employ and/or use in the making, remaking and/or renovating of any mattress any material of any kind that has been used in or has formed a part of any mattress used in or about any public or private hospital or institution for the treatment of persons suffering from disease or for or about any person having any infectious or contagious disease; or any material known as "shoddy", or material made in whole or in part from old or worn clothing, carpets and/or other fabrics or material previously used, or any other fabric or material from which shoddy is constructed, or any material not herein specifically mentioned of which prior use has been made, unless any and all of said materials have been thoroughly sterilized and disinfected by a process approved by the state board of health.

Sale of mattresses made unlawfully forbidden.

Section 3. No person, firm or corporation shall sell, offer for sale, deliver, rent, consign and/or have in his possession for the purpose of sale, delivery, and/or consignment any mattress made, remade and/or renovated in violation of the above provision.

Section 4. No person, firm or corporation shall sell or offer for sale either at wholesale or retail, or otherwise, repair or renovate, deliver, rent or consign or have in his possession with intent to sell, repair, renovate, deliver,

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Tag or label required.

rent or consign any mattress that does not bear thereon, plainly and indelibly stamped upon a muslin or linen tag, or label not smaller than three (3) inches square, securely sewed to the covering thereof, a statement as hereinafter provided.

Statement required upon label.

Section 5. The statement required under the foregoing section shall be in the English language in type not smaller than twenty-four (24) point condensed Gothic type in words and form as follows:

Materials Used in Filling

Percentage of kinds of materials.....

Gross weight of materials, including covering.....

..... Pounds. Vendor.....

Address..... This article is tagged and made in conformance with the requirements of chapter....., laws of Montana, 1941.

"Felt."

Section 6. Whenever the term "felt" is used in any statement, said materials shall be in layers as processed by felting machines and it shall be indicated whether said felt is "felted cotton" or "felted linters".

Use of word "floss" restricted.

Section 7. It shall be unlawful to use in any statement concerning any mattress the word "floss", or words of like import, if there has been used in filling said mattress any materials which are not termed as "kapok".

Misleading terms forbidden.

Section 8. It shall be unlawful to use in the description hereinbefore provided for, any misleading term or designation, or term or designation likely to mislead.

Sterilization required.

Section 9. (a) No person or corporation by himself or by his agents, servants, or employees, shall cause to be renovated or remade, or buy, sell, offer for sale, or have in his possession with intent to sell, any renovated, or remade, or used, or second hand mattress unless the same has been sterilized and disinfected by a process approved by the state board of health.

Statement to disclose use of "second hand material."

(b) In the case of mattresses made from material and/or materials known as "second hand materials" or "shoddy material" the form of statement provided for in section 5 hereof shall contain a heading, in type not smaller than twenty-four (24) point condensed Gothic type the words "SECOND HAND MATERIAL".

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State board of health —authority of

Section 10. The state board of health shall have authority to prescribe, establish and enforce such rules and standards of grading, mixing and inspecting materials used in mattresses as will in its judgment promote public health and sanitation.

Removal or alteration of tag.

Section 11. The removal, alteration or defacement of any tag or label herein provided for shall constitute a misdemeanor.

Condemnation mattresses unlawfully made.

Section 12. The state board of health shall have the right to condemn and seize any mattress which is found to be in violation of any of the provisions of this act or of any rule or regulation promulgated under the provisions of this act. Goods condemned and seized shall be presented before the nearest police judge or justice of the peace, together with all information obtained; and said police judge or said justice of the peace shall order such goods disposed of or destroyed in such manner as in his judgment will satisfy the requirements of this act.

Separate offenses.

Section 13. The unit for a separate and distinct offense in violation of this act shall be each and every mattress made, remade, renovated, sold, offered for sale, delivered, consigned, rented or possessed with intent to sell, deliver, consign or rent, contrary to the provisions hereof.

Violation a misdemeanor.

Section 14. Any person or corporation violating the provisions of this act shall be guilty of a misdemeanor.

Enforcement of this act.

Section 15. The enforcement of the provisions of this act shall be under the supervision of the state board of health. Such officers and such persons as may be designated by the state board of health shall have access to any premises or any records held by any person containing any information pertaining to the article or material in question.

Severability of act.

Section 16. If any section of this act shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of the act as a whole, or any section, provision, or part thereof not adjudged invalid or unconstitutional.

Repealing clause.

Section 17. All acts and parts of acts in conflict herewith are hereby repealed.

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Effective date.

Section 18. This act shall be in full force and effect on and after its passage and approval.

Approved February 28, 1941.

CHAPTER 71

An Act Providing for Instruction in Visual Education in the Public Elementary and Secondary Schools of the State; providing for the Preparing of Courses of Instruction Therein; for the Appointing of a Supervisor of Visual Education; for the Establishing and Appropriating Funds to Carry Out the Provisions of This Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Library of visual teaching aids created.

Section 1. There is hereby created a library of visual teaching aids for the purpose of acquiring through purchase, donation, lease, loan, gift, or manufacture, a depository consisting of instructional sound films, slides, charts, graphs, models, pictures, dioramas and other visual teaching aids which may be approved by the state superintendent of public instruction. These materials will be made available on a rental fee basis, plus transportation, to and from the elementary and secondary schools and educational groups within the state.

Courses of instruction in visual education.

Supervision.

Section 2. The state superintendent of public instruction, with the approval of the state board of education, shall prepare courses of instruction in visual education for the public elementary and secondary schools of the state; and, to provide necessary and adequate supervision for the purpose of carrying out this act, may appoint one (1) clerk and a supervisor who shall be a graduate of a four (4) year accredited institution of higher learning with special training and experience in the field of visual education, provided however, that the provisions of this act shall not be mandatory upon any school or school district.

Appropriation.

Section 3. There is hereby appropriated from the common school equalization fund of the state the sum of six thousand ($6,000.00) dollars for the period beginning July 1st, 1941, and ending June 30th, 1942; and six thousand ($6,000.00) dollars for the period beginning

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July 1st, 1942, and ending June 30th, 1943, to carry out the purposes of this act.

Section 4. All acts and parts of acts in conflict herewith are hereby repealed. Repealing clause.

Approved February 28, 1941.

CHAPTER 72

An Act to Amend Section 5939 of the Revised Codes of Montana, 1935, Relating to the Payment of Dividends by Directors of Corporations.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 5939 of the Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows: Sec. 5939 Rev. Codes amended.

"Section 5939. *The directors or trustees of every corporation shall have power to declare and pay dividends upon the shares of its capital stock either (a) out of its net assets in excess of the aggregate amount of capital represented by the issued and outstanding stock having a par value and the amount of capital represented by shares without nominal or par value, if any, or (b), in case there shall be no such excess, out of its net profits for the fiscal year then current or for the preceding fiscal year or both; provided, however, that if the capital of the corporation shall have been diminished by depreciation in the value of its property, or by losses, or otherwise, to an amount less than the aggregate amount of the capital represented by the issued and outstanding stock of all classes having a preference upon the distribution of assets, the directors or trustees of such corporation shall not declare and pay out of such net profits any dividends upon any shares of any class of its capital stock until the deficiency in the amount of capital represented by the issued and outstanding stock of all classes having a preference upon the distribution of assets shall have been repaired. Subject to any restrictions contained in its articles of incorporation, the directors or trustees of any corporation engaged in the exploitation of wasting assets or owning shares of stock of any other corporation engaged in the exploitation of wasting assets, may determine the net prof-* Dividends may be paid out of net assets or out of net profits. Proviso

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Net profits of corporations engaged in exploitation of wasting assets.

its derived from the exploitation of such wasting assets owned by it or by such other corporation without taking into consideration the depletion of such assets resulting from lapse of time or from necessary consumption of such assets incidental to their exploitation. Nothing contained in this Section shall prevent the stockholders of any corporation, or the directors or trustees thereof, if the articles of incorporation shall so provide, from setting apart out of any of the funds of the corporation available for dividends a reserve or reserves for any proper purpose or from abolishing any such reserve in the manner in which it was created. A director or trustee shall be fully protected in relying in good faith upon the books of account of the corporation or statements prepared by any of its officials as to the value and amount of the assets and liabilities or net profits of the corporation or either or any other facts pertaining to the existence and amount of surplus or other funds from which dividends might properly be declared and paid.

Reserves.

"*Except as hereinbefore provided,* the directors *or trustees* of corporations must not make dividends, except from the surplus profits arising from the business thereof; nor must they divide, withdraw, or pay to the stockholders, or any of them, any part of the capital stock except *as hereinbefore or* hereinafter specifically provided. For a violation of the provisions of this Section, the directors *or trustees* under whose administration the same may have happened (except those who may have caused their dissent therefrom to be entered at large in the minutes of the directors *or trustees* at the time, or were not present when the same did happen), are in their individual and private capacity, jointly and severally liable to the corporation and to the creditors thereof in the event of its dissolution, to the full amount of the capital stock so divided, withdrawn, paid out or reduced; and no statute of limitations is a bar to any suit against such directors *or trustees* for any sums for which they are made liable by this section. There may be, however, a division and distribution of the capital stock of any corporation which remains after the payment of all its debts, upon its dissolution, or the expiration of its term of existence."

Liability of directors.

Repealing clause

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 28, 1941.

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CHAPTER 73

An Act to Amend Section 1759.5, Revised Codes of Montana, 1935, as Amended by Chapter 154 Laws of the Twenty-fifth Legislative Assembly, 1937, Relating to the Use of License Plates on Motor Vehicles, Trailers and Semi-trailers; Defining Certain Regulations Pertaining to License Plates; Relating to Fictitious License Plates; Relating to the Use of License Plates Other Than Those Provided by Law; by Requiring License Plates to Be Purchased and Displayed on Motor Vehicles in the County of the Permanent Residence of the Owner, Excepting Therefrom Motor Vehicles Used in Transportation of Persons or Property; Repealing All Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1759.5, Revised Codes of Montana, 1935, as amended by Chapter 154, laws of the twenty-fifth legislative assembly of 1937, be, and the same is hereby, amended to read as follows:

Sec. 1759.5 Rev. Codes further amended.

"Section 1759.5. **Must Have License Plates.** Except as otherwise provided herein, no person shall operate a motor vehicle upon the public highways of this State without a license and unless such vehicle shall have been properly registered and shall have the proper number plates conspicuously displayed, one (1) on the front and one (1) on the rear of such vehicle, each securely fastened so as to prevent the same from swinging and unobstructed from plain view, except that trailers and semi-trailers shall have but one (1) number plates conspicuously displayed on the rear. No person shall display on such vehicle at the same time any number assigned to it under any motor vehicle law, except as in this act otherwise provided. *No person shall purchase or display on such vehicle any license plate bearing the number assigned to any county as provided in Section 1757, Revised Codes of Montana, 1935, other than the county of his permanent residence at the time of application for and issuance of said license plates. Provided, however, that the owner of any motor vehicle requiring a license plate on any motor vehicle used in the public transportation of persons or property may make application therefor in any county through which said motor vehicle passes in its regular scheduled route, and the license plate*

Must have license plates.

License plate to bear number assigned to county of residence.

Exceptions—vehicles used in public transportation.

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so issued bearing the number assigned to said county may be displayed on said motor vehicle in any county, and that when a transfer of ownership of any used motor vehicle bearing a current year's license plate has been completed, such license plate shall be valid in any other county of the State. It is further provided that it shall be unlawful to use license plates issued to one (1) vehicle on any other vehicle, trailers or semi-trailers, or repainting old license plates to resemble current license plates and any person violating *these* provisions shall be deemed guilty of a misdemeanor and shall be subject to the penalty as set out in Section 1760.10 of the Revised Codes of Montana, 1935."

Unlawful to transfer plates from one vehicle to another.

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 28, 1941.

CHAPTER 74

An Act to Provide for the Support of the Government of Montana for the Years 1941 and 1942.

Be it enacted by the Legislative Assembly of the State of Montana:

Tax levies for state purposes on property as of 1941.

Section 1. The following tax levies for state purposes are hereby made upon all property in the state of Montana subject to taxation for the year 1941, as ascertained by taking the percentage of the true and full value provided by law for puproses of taxation, to-wit:

For state general fund.

A. For the state general fund, including the levy for the issue of four million five hundred thousand dollars ($4,500,000.00) state funding bonds, authorized by Chapter 10 of the session laws of the twenty-third legislative assembly of 1933, two (2) mills.

For university millage fund.

B. For the university millage fund, to provide funds for the support of the greater university, as provided in referendum measure number forty-two (42) and passed by a vote of the people at the general election held November 5, 1940, three and one-half (3½) mills.

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C. For the purpose of paying the principal and interest on the capitol building refunding bonds, as provided in section 3 of chapter 133 of the session laws of 1939, one-half (½) mill. For principal and interest on capitol building refunding bonds.

D. For the purpose of paying the principal and interest on the Montana state insane asylum bonds, as provided in referendum measure number forty-three (43) and passed by a vote of the people at the general election held November 5, 1940, one-half (½) mill. For servicing state insane asylum bonds.

Section 2. The following tax levies for state purposes are hereby made upon all property in the state of Montana subject to taxation for the year 1942, as ascertained by taking the percentage of the true and full value provided by law for purposes of taxation, to-wit: Levies on property as of 1942.

A. For the state general fund, including the levy for the issue of four million five hundred thousand dollars ($4,500,000.00) state funding bonds, authorized by Chapter 10 of the session laws of the twenty-third legislative assembly of 1933, two (2) mills. For state general fund.

B. For the university millage fund, to provide funds for the support of the greater university as provided in referendum measure number forty-two (42) and passed by a vote of the people at the general election held November 5, 1940, three and one-half (3½) mills. For university millage fund.

C. For the purpose of paying the principal and interest on the capitol building refunding bonds, as provided in section 3 of chapter 133 of the session laws of 1939, one-half (½) mill. For servicing capitol building refunding bonds.

D. For the purpose of paying the principal and interest on the Montana state insane asylum bonds, as provided in referendum measure number forty-three (43) and passed by a vote of the people at the general election held November 5, 1940, one-half (½) mill. For servicing state insane asylum bonds.

Section 3. If any part of this act shall be declared invalid or unconstitutional, it shall not affect the validity of any other part of this act. Severability of act.

Section 4. This act shall be in full force and effect from and after its passage and approval. Effective date.

Approved February 28, 1941.

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CHAPTER 75

An Act to Amend Section 4761, Revised Codes of Montana of 1935, Relating to Monthly Statement of the County Treasurer and Quarterly Settlement by County Treasurer, and Repealing Section 2174, Revised Codes of Montana of 1935.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 4761 Rev. Codes amended.

Section 1. That Section 4761 of the revised codes of Montana of 1935, be, and the same is hereby amended to read as follows:

Reports by County Treasurer.

"Section 4761. Each county treasurer must make a detailed report, at every regular meeting of the board of county commissioners of his county, of all moneys received by him and the disbursement thereof, and of all debts due to and from the county, and of all other proceedings in his office, so that the receipts into the treasury and the amount of disbursements, together with the debts due to and from the county, may clearly and distinctly appear.

Quarterly settlement with board of county commissioners.

"On the first Monday of January, April, July and October of each year the county treasurer must settle with the board of county commissioners for all moneys collected and on said days must deliver to said board of county commissioners affidavits verifying the reconcilement of the balance on hand in the county treasury. After the approval of such statements and the accompanying affidavits, one (1) copy of such report shall be filed with the county clerk of said county, and one (1) copy shall be retained by the county treasurer."

Sec. 2174 Rev. Codes repealed.

Section 2. That section 2174 of the revised codes of Montana of 1935, and all other acts and parts of acts in conflict herewith are hereby repealed.

Approved March 1, 1941.

CHAPTER 76

An Act Defining "Agent" or "Insurance Agent"; "Solicitor" or "Insurance Solicitor"; Providing for the Appointment, Regulation and License Fee for Said

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Solicitors; and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

"Agent" defined.

Section 1. "Agent" or "insurance agent" is a person, copartnership or corporation, duly authorized and commissioned by an insurance company, to solicit applications for and effect insurance in the name of the company, and to keep a complete record of all such transactions, and to discharge such other duties as may be vested in or required of the agent by said insurance company.

"Solicitor" defined.

Section 2. "Solicitor" or "insurance solicitor" is a person duly appointed, authorized and employed by a duly commissioned and licensed insurance agent to solicit, receive, and forward applications for insurance and to collect premiums for such agent; provided, that all business transacted by said solicitor shall be in the name of the agent appointing him, and said agent shall be responsible for all acts of said solicitor while acting for such agent; and provided further, that a person devoting his whole time to clerical work in the office of an agent shall not be deemed a solicitor and shall not be required to be licensed.

Application for solicitor's license

Section 3. As a condition precedent to securing a solicitor's license, each and every applicant for a solicitor's license shall execute and file with the commissioner of insurance an application therefor on forms to be furnished by the said commissioner of insurance in conformity with the provisions of Section 6118, Revised Codes of Montana, 1935, which said application shall be signed and sworn to by the applicant and certified to by the agent, who shall have filed a requisition for said license with the commissioner of insurance; provided, that each solicitor shall be required to file but one (1) application and procure but one (1) solicitor's license for all classes of companies for which insurance is being solicited; and provided further, that no solicitor shall concurrently hold a solicitor's license for more than one (1) agent, neither shall any applicant be licensed as both agent and solicitor for the same class or classes of insurance at the same time.

Solicitor's license—fee and duration

Section 4. The commissioner of insurance shall require in advance, for each solicitor's license, a fee of five ($5.00) dollars, to be paid annually by the duly commissioned and licensed agent, which certificate of authority or license

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issued to a solicitor shall terminate or expire on the thirty-first day of March each year, unless sooner revoked or terminated, subject to the provisions of Section 6118, Revised Codes of Montana, 1935; provided that any solicitor's license issued and in force when this act takes effect or thereafter issued, may in the discretion of the commissioner of insurance, be renewed for a succeeding year or years by a renewal certificate without the commissioner's requiring the application prescribed in this act. Certificates of authority or licenses issued under this Section may at all times be transferred from one (1) solicitor to another solicitor, at the request of the duly licensed agent and upon the surrender of said license to the commissioner of insurance, who shall make the proper indorsement thereon.

Transferability.

Section 5. No part of this act shall be construed as in any way repealing Section 6118, Revised Codes of Montana, 1935, in so far as applying to agents obtaining of licenses to transact insurance business, nor shall any part of this act be construed as in any way altering or amending any part of Chapter 35 of the Revised Codes of Montana, 1935, relating to fraternal benefit societies.

Construction of this act.

Section 6. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 7. This act shall be in full force and effect from and after the date of its passage and approval.

Effective date.

Approved March 1, 1941.

CHAPTER 77

An Act to Amend Section 9990 of the Revised Codes of Montana, 1935, Relative to the Duties of Public Administrator.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 9990, Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

Sec. 9990 Rev. Codes amended.

"Section 9990. **Duties of Public Administrator.** Every public administrator, duly elected, commissioned

Duties of public administrator.

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and qualified, must take charge of estates of persons dying within his county, as follows:

1. Of estates of decedents for which no administrators are appointed, and which, in consequence thereof, are being wasted, uncared for, or lost;

2. Of estates of decedents who have no known heirs;

3. Of estates ordered into his hands by the court; and

4. Of estates upon which letters of administration have been issued to him by the court.

Petition for letters deferred, except in certain cases.

Provided, however, that it shall be unlawful for any public administrator of any county of the State of Montana, to file any petition for the issuance to him as such public administrator of letters of administration of the estate of any decedent, until at least thirty (30) days have elapsed from the day of the death of any such decedent, unless it is affirmatively shown and made to appear in and by any such petition for letters of administration that there are no known heirs of such decedent, or that all of the known heirs of such decedent reside outside of the State of Montana and that the estate of such decedent consists of property of such a nature that it will be lost, wasted or depreciated in value unless cared for and administered upon at once.''

Repealing clause.

Section 2. That all acts and parts of acts in conflict herewith are hereby repealed.

Approved March 1, 1941.

CHAPTER 78

An Act to Amend Section 3298.18, Revised Codes of Montana, 1935, Providing for the Inspection and Marking of Hides of Slaughtered Cattle; Providing for Records Thereof, and Making It the Duty of the Sheriff to Inspect and Mark Said Hides; Providing for the Appointment of and Compensation of Deputy Sheriffs for the Purposes of the Act; Providing for Inspection by the Livestock Commission; Providing for Revocation of a Butcher's or Meat Peddler's License for Failure to Report Violations of This Act Known to Him; and Repealing All Acts or Parts of Acts in Conflict Herewith.

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Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 3298.18 Rev. Codes amended.

Section 1. That Section 3298.18, Revised Codes of Montana, 1935, be, and it is hereby amended to read as follows:

"3298.18. **Inspection and Marking of Hides of Slaughtered Cattle—Records—Bill of Sale to Be Presented, When—License or Inspection Not Necessary, When.** All butchers and meat peddlers and all other persons shall have the hide in its entirety with tail *and ears* attached of each beef or veal inspected by a sheriff or his deputy in the county where the animal was slaughtered. *The sheriff or his deputy* shall mark said hide or hides in such manner as the livestock commission may from time to time by fixed rule require. *It is hereby made the duty of the sheriff to make the inspection required by this act.* Each of the four quarters so presented shall be stamped with an ink stamp, which stamp shall be provided by the county and the form of which shall be specified by the livestock commission. Said *sheriff, or deputy,* shall keep a record and issue a certificate of inspection, on a form provided by the county, which form shall be specified by the livestock commission, giving the butcher's or peddler's or person's name, the place of business, the serial number of the inspection of the hide, the brand or brands on the hide, the date of inspection, and the place where such inspection was made. The officer making such inspection shall forward a copy of all inspection certificates to the secretary of the livestock commission at Helena, and to the county clerk of the county in which said inspection was made, on or before the first day of each month, and such inspection certificates shall be placed on file in the offices aforementioned.

Inspection and marking of hides of slaughtered cattle.

Record to be kept.

Bill of sale to be presented, when.

"When ownership of the carcass and hide presented is claimed on a bill of sale, the officer making the inspection shall demand and receive the original bill of sale, which bill of sale shall be attached to the inspector's certificate sent to the county clerk and recorder. When such bills of sale cover cattle not included in the inspection, the inspector shall issue to the owner of the bill of sale a receipt for such bill of sale. Said receipt shall describe the balance of the cattle covered by the original bill of sale.

"Any person who kills beef or veal in good faith for his own use or for the use of himself and three (3) neigh-

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bors shall not be required to have such meat inspected or stamped, nor shall he be required to procure any license provided for in this act."

License or inspection not necessary, when.

Section 2. *In localities where there is no sheriff or deputy sheriff, and where there is need for the inspection herein required, a deputy sheriff shall be appointed, and shall be authorized by the board of county commissioners of the county to make such inspections, and he shall be paid from the appropriate county fund therefor, a fee of not to exceed twenty-five cents (25c) for each beef hide inspected, and a fee of not to exceed ten cents (10c) for each veal hide inspected. Such deputy sheriff shall have the same powers and authority, and shall perform the same duties as the sheriff. Except as in this Section provided, no fee shall be charged or paid for such inspection. No butcher, meat peddler, or employee of any butcher or meat peddler shall be appointed such deputy sheriff.*

Appointment of deputy sheriff to make inspections, when.

Section 3. *Nothing herein provided shall prevent such inspection being made by an inspector appointed by the livestock commission.*

Section 4. *It is made the duty of any butcher or meat peddler licensed under the provisions of Section 3298.17, Revised Codes of Montana, 1935, to report any violation of this act to the sheriff of the county wherein such violation shall occur, and of which such butcher or meat peddler has knowledge, and for his failure so to do such butcher or meat peddler shall suffer a revocation of his license and no license shall again be issued to such person until the expiration of one (1) year from the date of such revocation.*

Duty of butcher and meat peddler to report violations.

Section 5. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Approved March 1, 1941.

CHAPTER 79

An Act Providing for the Construction and Furnishing of a Building as an Adjunct to the State Capitol Building to be Known as the "Montana Veterans and Pioneers Memorial Building", as a Memorial to the War Veterans and Pioneers of the State, and to House

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the Property and Staff of the Historical Society of Montana, the Society of Montana Pioneers, Sons and Daughters of Montana Pioneers, and of the War Veterans Organizations Set Forth in Chapter 131, Laws of the Twenty-Sixth Legislative Assembly of the State of Montana, 1939; Authorizing the Issuance and Sale of Bonds by the State for Such Purpose; Designating the Funds from which said Bonds shall be Paid; Providing for an Interest and Sinking Fund; Enumerating the Powers and Duties of the State Board of Examiners in Carrying Out the Provisions of this Act; Authorizing the State to Receive Gifts for the Erection or Maintenance of Said Memorial Building and Providing that if any Section or Part of this Act be Void or Ineffective it shall not be Deemed to Affect any Other Section or Part Hereof and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Construction of veterans and pioneers memorial building authorized.

Section 1. The state board of examiners of Montana is hereby authorized and directed to cause to be constructed and furnished a building as an adjunct of the state capitol building, to be known as the "Montana veterans and pioneers memorial building". Said building shall be erected upon the present state capitol building site at Helena, Montana, or upon contiguous lands owned or hereafter acquired by the State as a part of said site.

Purpose and use of building.

Section 2. Said building shall constitute a perpetual memorial to the war veterans and the pioneers of Montana, and when completed, said building shall be devoted to the use of the war veterans organizations set forth in Chapter 131, Laws of the twenty-sixth legislative assembly of the State of Montana, 1939, the historical society of Montana, the society of Montana pioneers, and the sons and daughters of Montana pioneers, and for the housing of books, records, documents, and other property of such veterans and organizations; and there shall be provided in said building appropriate office quarters for the state headquarters and officers and employees of such veterans and organizations, and for the librarian and other employees of the historical society of Montana.

Section 3. Upon the sale of the bonds authorized by this act, the state board of examiners is hereby em-

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powered and directed to proceed with the erection of a building of suitable construction and design for the purposes herein specified. The state board of examiners shall secure plans and specifications from competent architects for the erection, heating and lighting of said building and shall select or approve the plan which they deem most suitable for said memorial building. The state board of examiners shall employ and fix the compensation of the architect whose plans are finally adopted.

State board of examiners —powers and duties.

Section 4. The state board of examiners shall advertise for bids for the construction of said building in the manner provided by law and shall let the contract for said building. Said board shall require both the contractor and architect to give bonds to the State of Montana in such amount as the board may determine, conditioned for the faithful performance of their respective duties and contract. The total cost of erecting and furnishing said building shall not exceed the sum realized from the sale of the two hundred-fifty thousand ($250,000.00) dollars of bonds hereinafter provided for.

Bids.

Bonds of architect and contractor.

Limitation of cost.

Section 5. For the purpose of providing funds for the erection and furnishing of the memorial building authorized by this act, the state board of examiners is hereby authorized and empowered to issue and sell veterans and pioneers memorial capitol building bonds of the State of Montana in the sum of two hundred-fifty thousand ($250,000.00) dollars. Said bonds shall bear interest at a rate not exceeding four (4%) percent per annum, payable semi-annually. The bonds shall be either amortization or serial bonds, shall bear such date as the state board of examiners shall prescribe and shall be payable over such period of years, not exceeding twenty (20), as said board may specify. All bonds shall be optional and redeemable five (5) years after the date of issue and on any interest payment date thereafter, at the option of the state board of examiners. Said bonds shall be in such denomination and form and shall contain such recitals as the state board of examiners may determine, shall be signed by the governor, the attorney general, the secretary of state and members of said board and shall be paid at the office of the state treasurer of the State of Montana. The coupons attached to said bonds may bear the facsimile signatures of members of said board.

Bulding bonds— amount, terms, issuance and sale.

Section 6. Said bonds shall be sold by the state board

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Bonds—minimum sale price, registration.

of examiners at such time and in such manner as the board shall deem best to carry out the provisions of this act, provided that none of such bonds shall be sold for less than par, plus accrued interest to the date of delivery of the bonds. Each of said bonds shall be registered before delivery with the state treasurer of the State of Montana, who shall keep accurate accounts of payments of interest and principal upon said bonds.

Principal and interest payable out of designated funds.

Section 7. The principal and interest of the bonds authorized by this act shall be payable out of the following funds and from them only; First, all moneys now in the veterans memorial fund, created by Section 4559, R. C. M. 1935 from the proceeds of boxing and sparring matches are hereby dedicated and appropriated to the payment of the principal and interest of said bonds, provided, however, that nothing herein contained shall be deemed to prevent the payment by the state athletic commission and the state treasurer out of said funds, of the expenses of the state athletic commission and the salary of its secretary, as provided in Section 4559, and further provided that a portion of said bonds, equal in amount to the total cost of furnishing said memorial building, shall be paid and retired exclusively out of the moneys received from the veterans memorial fund hereby appropriated for the payment of said bonds. Second, under the provisions of Chapter 133, session laws of the twenty-sixth legislative assembly of the State of Montana of 1939, entitled, "An act authorizing the issuance of bonds of the State of Montana to refund the capitol building bonds of said state and held by the state board of land commissioners, and providing for the payment thereof", an issue of six hundred thirty-two thousand ($632,000.00) dollars of capitol building refunding bonds of the State of Montana has been issued. Said bond issue is in serial bonds, the last of which matures in 1944. Said bonds are payable in part from the income derived from the capitol building land grant. When said capitol building refunding bonds have been paid in full, all the said income received from said capitol building land grant shall be and the same is hereby perpetually dedicated and appropriated for the payment of the principal and interest of the bonds provided for by this act. After the payment of said capitol building refunding bonds, any balance remaining in the capitol building interest and sinking fund shall likewise be and the same is hereby pledged and

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appropriated for the payment of the principal and interest of the bonds authorized by this act.

Sinking fund created

Section 8. To provide for the payment of the interest and principal of the bonds authorized by this act, there is hereby created a special fund to be known as the veterans and pioneer memorial capitol building interest and sinking fund, into which shall be paid all sums of money from the funds hereinbefore dedicated and appropriated to the payment of the principal and interest of said bonds.

State may receive gifts to be used for building.

Section 9. The State of Montana is hereby authorized to receive gifts, legacies and donations of money or other property for the erection or maintenance of the memorial building herein provided for and all such gifts, legacies and donations are hereby dedicated to such purpose.

Budget act not applicable

Section 10. The appropriation herein provided for shall be deemed and held valid, notwithstanding the provisions of the budget act.

State board of examiners, duty of.

Purpose of act.

Section 11. The state board of examiners shall consult and advise with the veterans memorial fund commission, the historical society of Montana, the society of Montana pioneers and the sons and daughters of Montana pioneers, to the end that the building so constructed shall be in keeping with the purposes of this act, to construct a perpetual memorial to the war veterans and pioneers of Montana.

Repealing clause.

Section 12. All acts and parts of acts in conflict herewith are hereby repealed.

Severability of act.

Section 13. Each section of this act and every part of each section is hereby declared to be independent of each other, and the holding of any section or part hereof to be void or ineffective for any cause shall not be deemed to affect any other section or part hereof.

Effective date

Section 14. This act shall take effect and be in full force from and after its passage and approval.

Approved March 1, 1941.

CHAPTER 80

An Act to Amend Three (3) Sections of the Revised Codes of Montana of 1935, as Amended, All Relating to the Regulation of the Practice of Cosmetology and Hair-

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dressing, Being Section 3228.1 Revised Codes of Montana, 1935, as Amended by Chapter 222 of the Session Laws of the Twenty-sixth Legislative Assembly, 1939, Relating to the License Required to Practice or Teach Cosmetology by Providing Also for a Manager-Operator License, Defining Its Scope and Conditions: And Section 3228.6 Revised Codes of Montana, 1935, Relating to the Rules to Be Prescribed by the Montana State Examining Board of Beauty Culturists for Beauty Shops and Schools, by Providing That Such Board may Establish Rules as Herein Set Forth, and in Addition to Such Rules, Minimum Prices in Territorial Districts and Providing the Conditions Therefor; and Section 3228.15 Revised Codes of Montana, 1935, as Amended by Chapter 222 of the Session Laws of the Twenty-sixth Legislative Assembly, 1939, Relating to the Fees for Applicants for Examination and Licenses by Amending the Fees and by Providing That No Other or Additional Fees Shall Be Imposed by Municipal Corporations or Other Political Subdivisions of the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 3228.1 Rev. Codes further amended.

Section 1. That Section 3228.1 Revised Codes of Montana, 1935, as amended by Chapter 222 of the Session Laws of the twenty-sixth legislative assembly, 1939, shall be and the same is hereby amended to read as follows:

Practice and teaching of cosmetology licenses required.

"Section 3228.1. **License Required to Practice or Teach Cosmetology** *or Operate a Beauty Shop or School*, **and Provision for Registration of Schools of Cosmetology.** No person shall practice or teach cosmetology without a license and no place shall be used or maintained for the teaching of cosmetology, for compensation, except under a certificate of registration, *and no person shall own, operate, manage or conduct a beauty shop or school and teach the art therein, or practice therein, without a manager-operator license, and such manager-operator license shall not be issued unless the applicant therefor shall have been actively engaged in, or practicing beauty culture in this State for a period of one (1) year preceding such application, in addition to possessing the other requirements provided for a practitioner or teacher of cosmetology in this act. Said licenses and said certificate of registration shall be issued only in conformity with this act.*"

Section 2. That Section 3228.6 Revised Codes of Mon-

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tana, 1935, shall be and the same is hereby amended to read as follows:

Sec. 3228.6 Rev. Codes amended.

"Section 3228.6. **Power of Board to Promulgate Rules and Regulations and to Approve Price Agreements.** *The Montana state examining board of beauty culturists shall have power to approve price agreements among licensed practitioners and students in beauty schools, under this act, whereby minimum prices for hairdressing and beauty culture are established by explicit written agreement signed and executed by at least seventy-five (75%) per cent of the practitioners in any county within the State of Montana, and submitted to the board by such signing group over the signatures of all thereof; providing also that beauty schools shall charge for students' work, not less than fifty (50%) per cent of the established minimum prices, as determined and approved by seventy-five (75%) per cent of the practitioners in that particular area. Upon receipt of such price agreements, so executed, the board shall proceed to investigate the reasons therefor and the necessity of justification for such agreement with or without public hearing thereon, and in the event that the board, in its discretion, concludes that such price agreement is just and under the conditions obtaining for the particular territory involved, will best protect the public health and safety by affording a sufficient minimum price for hairdressing and beauty culture to enable the practitioners to furnish modern and healthful services, and appliances to minimize danger to the public health, the board may approve such agreements for the term proposed therefor or for such shorter term as the board may deem proper.*

Power of board to promulgate rules and regulations and to approve price agreements.

"The board shall also have power to consider separately, the petition of an incorporated town or city, when accompanied by the signatures of at least two-thirds (2/3) of the licensed practitioners in such town or city and the board may approve, if deemed necessary, according to the purpose of this act, any changes in existing price agreements or establish new agreements, when approved by seventy-five (75%) per cent of the licensed practitioners within such town or city. All other communities and territory adjacent to any town or city and all other areas in the county shall abide by the rules and agreements heretofor prescribed for that particular county.

Change of existing price agreements.

"For the purposes above, a city or town shall be deemed

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"Adjacent" territory defined.

to include, in addition to the territory lying within its legal boundaries, the territory adjacent to it and lying within three miles of said legal boundaries, in any direction.

Considerations in fixing price agreement

"In determining whether any such price agreement is necessary and just, and will protect the public health and safety, the board shall give consideration to all conditions affecting hairdressing and the beauty culture art, as practiced, in its relation to public health and safety, and also to the necessary costs incurred in the particular territorial area in maintaining shops or parlors in sanitary and attractive condition.

Price agreement made effective by order of board.

"The price agreement as proposed, or as modified by the board, shall be put into effect by official order of the board, which shall plainly state the minimum price for all work usually performed in a beauty shop or parlor within the county, city or town in which the price agreement has been signed, and for which it is effective. If the board, at the time of the receipt of the proposal, or at any time thereafter, including any time subsequent to its order, either upon petition of two thirds (2/3) of the signatories to said price agreement, or upon the board's initial motion finds that the minimum prices so fixed by its order are insufficient or improperly adjusted, to provide healthful services to the public and keep the shops and parlors in a safe, sanitary and attractive condition, then the board shall have authority to modify said minimum prices by prescribing such increases, adjustments or decreases, if necessary, best calculated to realize said objectives.

Board may modify prices

Board may prescribe rules.

"The state board shall prescribe reasonable rules for the conduct of its business and for the qualification, examination and registration of applicants to practice or teach cosmetology, and for applicants for manager-operator licenses, and for the regulation and instruction of apprentices and students, and for the conduct of schools of cosmetology for apprentices and students, and generally for the conduct of the persons, firms or corporations affected by this act, within the limits of the act."

Sec. 3228.15 Rev. Codes amended.

Section 3. That Section 3228.15 Revised Codes of Montana, 1935, as amended by Chapter 222 of the session laws of the twenty-sixth legislative assembly, 1939, shall be and the same is hereby amended to read as follows:

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"Section 3228.15. **Fees.** Each applicant for examination *to practice or teach shall pay, at the time of such application a fee of ten ($10.00) dollars. Each person practicing cosmetology as an operator shall pay a fee of three ($3.00) dollars for the issuance of a license, and the further fee of three ($3.00) dollars annually for each renewal thereof. Each applicant for a manager-operator license shall pay a fee of five ($5.00) dollars, for the issuance of such a license and the further sum of five ($5.00) dollars annually for each renewal thereof. Each person teaching cosmetology shall pay a fee of five ($5.00) dollars, for the issuance of a license, and the further sum of five ($5.00) dollars annually for each renewal thereof. Every person, firm, co-partnership, or corporation, owning, operating or conducting a school of cosmetology shall pay the sum of twenty-five ($25.00) dollars for a certificate of registration therefor, and pay the further sum of twenty-five ($25.00) dollars annually for each renewal thereof. Each applicant for apprentice license shall pay an annual fee of three ($3.00) dollars. Each applicant for itinerant license as a cosmetologist, shall pay a fee of twenty-five ($25.00) dollars. Such license fees shall be paid annually in advance to the secretary of the board. No other or additional license or fee shall be imposed by any municipal corporation or any other political subdivision of the State of Montana for the practice or teaching of cosmetology."*

Fees for licenses and renewals.

Section 4. All acts and parts of acts in conflict herewith, are hereby repealed.

Repealing clause.

Approved March 1, 1941.

CHAPTER 81

An Act to Amend Section 2822 of the Revised Codes of Montana, 1935, Relating to Workmen's Compensation; Providing for Bonds for the Treasurer and Other Members and Employees of the Industrial Accident Board; Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2822 of the Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

Sec. 2822 Rev. Codes amended.

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"Section 2822. **Treasurer's Bond—Bond of Other Members.** The bond of the treasurer of the board shall be in a sum to be fixed by the governor, not less than *fifty thousand dollars ($50,000.00).* The bonds of the members *and employees* of the board other than the treasurer shall be in the sum of *fifteen thousand dollars ($15,000.00). The state board of examiners may, in its discretion, require bonds of other employees of the industrial accident board in such sums as will be commensurate with the amount of funds handled by such employees. Premiums for said bonds shall be paid from the general appropriations for the industrial accident board."*

Treasurer's bond.

Bond of members and employees of board.

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 3, 1941.

CHAPTER 82

An Act to Create a Montana Highway Traffic Advisory Committee to the War Department Designating the Officers of the Aforesaid Committee Delegating to Said Committee the Power to Cooperate with Governmental Agencies in the Matter of Plans for Transportation of Troops and Military Equipment Over the Highways; Providing for the Rapid Movement of Said Troops; Providing for an Inventory of Trucks and Buses in the State; Providing for Highway Safety Training Program and Repealing all Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

State highway traffic advisory committee created.

Section 1. That there is hereby created the Montana state highway traffic advisory committee, hereinafter referred to as the "committee", which shall be composed of the chief engineer of the state highway commission, the supervisor of the highway patrol and the deputy registrar of motor vehicles. The committee shall designate one of its members as chairman.

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Section 2. The said committee is hereby vested with the following powers and duties:

Powers and duties.

(a) To cooperate with the agencies of this and other states and of the Federal government which are connected with national defense, in the formulation and execution of plans for the rapid and safe movement over the highways of troops, vehicles of a military nature, and materials affecting the national defense.

(b) To coordinate the activities of the Montana highway commission, the Montana highway patrol and the registrar of motor vehicles in a manner which will best serve to effectuate any such plan for the rapid and safe movement of troops, vehicles and materials as referred to in paragraph (a) of this section.

(c) To solicit the cooperation of officials of the various political subdivisions of the State in the proper execution of such plans.

(d) To take an inventory, by counties, of the trucks and buses in the State, publicly and privately owned, which would be available in case of emergency affecting the national defense.

Highway safety and driver training program.

Section 3. The committee may, in conjunction with any interested public or private agencies, conduct a highway safety and driver training program as an aid to the national defense.

Compensation of members.

Section 4. The members of the committee shall serve without compensation, but shall be entitled to reimbursement for travel and other expenses incurred in the performance of their duties as members thereof, and which shall be paid from the department that now employs the respective members.

Secretary designated.

(a) The secretary of the state highway commission shall be ex-officio secretary of the state highway traffic advisory committee and shall act without additional compensation. The secretary's duties shall be to send out notices of meeting as called by the chairman, to keep the minutes of such meetings, and to perform any necessary clerical work of the committee.

Employees

Section 5. The committee may use employees in their respective departments to assist in their work and they shall act without additional compensation.

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Effective date.

Section 6. This act shall be in full force and effect from and after the date of its passage and approval.

Approved March 3, 1941.

CHAPTER 83

An Act to Amend Section 2761 of the Revised Codes of Montana of 1935 Relating to Tax Levy for the Purpose of Maintaining the Department of State Fire Marshal and for the Expenditure of Funds; and Repealing of Acts in Conflict.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 2761 Rev. Codes amended.

Section 1. That Section 2761 of the Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

"Section 2761. For the purpose of maintaining the department of the state fire marshal and the payment of the expenses incident thereto, each fire insurance company doing business in this State shall pay to the state auditor and commissioner of insurance ex-officio, during the month of February or March in each year, in addition to the license fees required by law to be paid by it, provided in Section 6112 of these codes, a tax of one fourth of one per cent (¼ of 1%) on the *direct fire premiums received for fire insurance policies and the fire portion of automobile insurance policies during the calendar year next preceding, after deducting cancellations and return premiums.*"

Tax for maintenance of department of state fire marshal.

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 3, 1941.

CHAPTER 84

An Act to Amend Sections 10205 and 10206 of the Revised Codes of Montana of 1935, and Repealing Sections 10207, 10208, and 10209 of the Revised Codes of Montana, 1935, Relating to the Sale of Mining Property in Estates of Deceased Persons.

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Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 10205 of the Revised Codes of Montana of 1935, be, and the same is hereby amended so as to read as follows:

Sec. 10205 Rev. Codes amended.

"Section 10205. *How personalty interest in mines sold. Capital stock in mining corporations and other mining interests constituting personal property may be sold as other personal property under the provisions of this code applicable to such sales.*"

How capital stock in mining corporations sold.

Section 2. That Section 10206 of the Revised Codes of Montana of 1935, be, and the same is hereby amended so as to read as follows:

Sec. 10206 Rev. Codes amended

"Section 10206. *How realty interest in mines sold. Mines and mining interests constituting real estate may be sold under the provisions of Chapter 131 of the Code of Civil Procedure of 1935 in the same manner as other real estate or real estate interests or by option. Any such option shall specify the price, the time of payment of the price, and the amount and time of payment of installments of the price, and shall contain such other provisions as may be reasonably necessary for the protection of the estate, and may grant to the optionee the right to occupy and work such mine or the interest of the estate in any such mine, but shall require the payment to said estate of such royalty as the court shall deem just, which royalty as paid may by the terms of such option be applied as payments upon such purchase price. Any such option must be approved by the district court.*"

How realty interest in mines sold.

Section 3. That Sections 10207, 10208, and 10209 of the Revised Codes of Montana of 1935 are hereby repealed.

Repealing clause.

Section 4. This act shall be in full force and effect from the date of its passage and approval.

Effective date.

Approved March 4, 1941.

CHAPTER 85

An Act Amending Section 590 of the Revised Codes of Montana of 1935, Relating to the Appointment of Judges of Election.

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Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 590 Rev. Codes amended.

Section 1. That Section 590 of the Revised Codes of Montana of 1935, be, and the same is hereby amended to read as follows:

Appointment of judges of election—restriction.

"Section 590. In making the appointment of judges of election, *such judges must be chosen from a list of qualified electors to be submitted by the county central committee of the two (2) major political parties in the county at least thirty-five (35) days prior to the regular session of the board of county commissioners, next preceding a primary nominating election, a general or special election, such list to contain at least twice the number of judges to be appointed and* not more than a majority of such judges must be appointed from any one political party for each precinct *and such appointee shall be deemed to belong to the political party upon whose list his name appears, provided that the board of county commissioners may appoint such judges as in case of vacancy or in case any major political party fails to submit a list of judges within the time herein provided.*"

Repealing clause.

Section 2. All acts or parts of acts in conflict herewith are hereby repealed.

Approved March 4, 1941.

CHAPTER 86

An Act to Amend Section 5011 of the Revised Codes of Montana of 1935, Relating to the Appointment of Election Judges and Clerks and the Fixing of Voting Places, by the City Council.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 5011 Rev. Codes amended.

Section 1. That Section 5011 of the Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

Appointment of election judges and clerks.

"Section 5011. The council must appoint judges and clerks of election and places of voting, provided, *however, that if a list of qualified electors, in number not less than twice the number of judges to be appointed, be submitted to the council by the city central committee of the two (2)*

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major political parties prior to the regular meeting of the city council, next preceding a city primary nominating election or general election such judges must be chosen from among those whose names are thus submitted, and not more than a majority of such judges must be appointed from any one (1) political party for each precinct and each appointee shall be deemed to belong to the political party upon whose list has name appears. There must be at least one (1) place of voting in each ward, and there may be as many more as the council by ordinance shall fix, and the elector must vote in the ward *and precinct* in which he resides. The election precincts in a city or town must correspond with wards, but a ward may be subdivided into several voting precincts, and when so divided the elector shall vote in the precinct in which he resides, and all elections must be conducted according to the general laws of the State."

Fixing of voting places.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Approved March 4, 1941.

CHAPTER 87

An Act to Amend Section 4917 of the Revised Codes of Montana of 1935, Relating to the Fees of County Clerks in the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 4917 of the Revised Codes of Montana of 1935, be, and the same is hereby amended to read as follows:

Sec. 4917 Rev. Codes amended.

"Section 4917. **Fees of County Clerks.** *The fees of county clerks, which must be charged and collected for the use of their respective counties, are as follows:*

Fees of county clerk.

For recording and indexing each instrument of writing allowed by law to be recorded; except as hereinafter provided;

For first folio, thirty cents (30c) and for each subsequent folio or fraction thereof, fifteen cents (15c);

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For each entry in index, ten cents (10c);

Fees of county clerk, continued

For certificate that such instrument has been recorded with seal affixed, fifty cents (50c).

For recording and indexing each real estate mortgage, assignment, renewal, or release of real estate mortgage;

For each folio, twenty cents (20c);

For each entry in index, ten cents (10c);

For certificate that such mortgage, assignment or release has been recorded with seal affixed, fifty cents (50c).

For *recording and indexing* each certificate of location of quartz or placer mining claim, millsite claim, or notice of appropriation of water, including *certificate that such instrument has been recorded with seal affixed,* two dollars ($2.00).

For recording and indexing each affidavit of annual labor on mining claim, including certificate that such instrument has been recorded with seal affixed, one dollar ($1.00).

For filing and indexing each chattel mortgage, *affidavit of renewal of chattel or real estate mortgage, assignment or release of chattel mortgage,* a writ of attachment, execution, certificate of sale, lien, or other instrument required by law to be filed and indexed, fifty cents (50c).

For filing and indexing each certificate of incorporation or annual statement of any corporation, one dollar ($1.00).

For recording and platting each town site or map:

For each lot up to and including one hundred, twenty-five cents (25c);

For each additional lot in excess of one hundred, five cents (5c);

For recording the field notes of survey of any town site, per folio, twenty-five cents (25c).

For certificate of copy, where copy is furnished.

For a copy of any record or paper, for each folio, fifteen cents (15c) and for each certification with seal affixed, fifty cents (50c); provided, that in all cases where copies of any record or paper are to be certified by the county clerk and such copy is furnished to said clerk for certification, said clerk shall not make a charge nor receive a fee for the comparison of such copy, other than the fee of fifty cents (50c) for his certificate and seal.

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For searching any index record of files of the office, for each year when required, in abstracting or otherwise, fifteen cents (15c).

For each entry of discharge or satisfaction of mortgage, lien, or other instrument on the margin of record thereof, or upon the original instrument, and noting same in the indexes concerned, twenty-five cents (25c).

For administering an oath with certificate and seal he shall make no charge.

For taking and certifying an acknowledgment, with seal affixed, for signature thereto *he shall make no charge.*

For filing or recording or indexing any other instrument not herein expressly provided for, the same fee as hereinbefore provided for a similar service.

On each instrument delivered to him for recording, it shall be the duty of the county clerk to endorse thereon all charges made by him for such service and such endorsement shall be recorded as a part of the instrument in his office in order that the state examiner may verify such charges from time to time and may see that they have been properly entered on the fee book or reception record in the county clerk's office."

Fees to be endorsed on instrument.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 3. This act shall be in full force and effect on and after July 1, 1941.

Effective date.

Approved March 5, 1941.

CHAPTER 88

An Act Repealing Chapter 96 of the Political Code of the Revised Codes of Montana of 1935, Being Sections 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047 and 1048, Relating to Rural School Districts.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Chapter 96 of the Political Code of the Revised Codes of Montana of 1935, being Sections 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047 and 1048, be and the same is hereby repealed.

Sections 1040 to 1048 Rev. Codes repealed.

Approved March 5, 1941.

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CHAPTER 89

An Act to Amend Section 12 of Chapter 129 of the Session Laws of 1937, Relating to the Elimination of Reckless and Irresponsible Drivers from Highways and Relating to Financial Responsibility of Motor Vehicle Owners and Operators and Making Uniform the Laws in Relation Thereto.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 12, Chap. 129 Laws 1937 amended.

Section 1. That Section 12 of Chapter 129 of the Session Laws of 1937, be and the same is hereby amended to read as follows:

"Section 12. Any person who shall forge, or without authority, sign any evidence of ability to respond in damages as required by the registrar in the administration of this act and *any person* who shall operate a motor vehicle in this state from whom the privilege of operating any motor vehicle has been withdrawn as provided in Section 3, shall be fined not less than one hundred ($100.00) dollars nor more than two hundred fifty ($250.00) dollars or imprisoned not more than thirty (30) days or both."

Penalty

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 4, 1941.

CHAPTER 90

An Act to Amend Sections 9, 10, 11, 13, 15, and 16 of Chapter 195 of the Session Laws of Montana, 1939, Relating to the Appointment of Weed Control and Weed Seed Exterminators; Relating to Inspection of Premises Believed to Contain Weeds, Relating to the Destruction of Weeds and the Payment of Expenses Incurred So Doing; Relating to the Creation of a Noxious Weed Fund, and Relating to the Authority of the Commission to Fix the Amount to Be Paid From the Noxious Weed Fund, and Providing That the Cost of Exterminating Noxious Weeds Along the Right of Way of a State or

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Federal Highway Shall Be Paid From the State Highway Fund.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 9 of Chapter 195 of the Session laws of Montana, 1939, be, and the same is hereby amended to read as follows:

Sec. 9, Chap. 195 Laws 1939 amended

"Section 9. **Appointment of Weed Control and Weed Seed Extermination Supervisors—Term of Office—Compensation.** The commissioners shall have authority to appoint a board of weed control and weed seed extermination supervisors, consisting of three (3) members, who shall be appointed annually for each county in which a city, town, or county weed control and weed seed extermination district is created. Said supervisors shall be public officers, and they shall organize by choosing a chairman and a secretary. The secretary may or may not be a member of the board. All such supervisors shall serve without pay, except such expenses for mileage and per diem as shall be fixed by the commissioners. The supervisors may employ suitable and competent persons as assistants and employees as may be necessary and provide for their compensation. It shall be the duties of said supervisors to supervise within their county the extermination or control program as promulgated by the commissioners."

Appointment of weed control and weed extermination supervisors.

Term of office.

Compensation.

Section 2. That Section 10 of Chapter 195 of the Session Laws of Montana, 1939, be, and the same is hereby amended to read as follows:

Sec. 10, Chap. 195 Laws of 1939 amended.

"Section 10. **Inspection of Premises—Notice to Occupant—Possession.** Where complaint has been made and the supervisors have reason to believe that noxious weeds described in this act are present upon the lands within *the district,* in violation of the law, they shall forthwith inspect the premises, and if such weeds are found, they shall cause written notice to be served on the person permitting the same, directing him to comply with the provisions of this act, within a period of time specified in said notice."

Inspection of premises.

Notice to occupant

Section 3. That Section 11 of Chapter 195 of the Session Laws of Montana of 1939, be, and the same is hereby amended to read as follows:

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"Section 11. **Destruction of Weeds by Supervisors If Notice Not Observed—Collection of Cost.** If the notice be not obeyed within the time specified in the notice, the supervisors shall forthwith destroy and exterminate such weeds and make report thereof to the county clerk, with a verified, itemized account of their services, and expenses in so doing, and a description of the lands involved, and shall include in said account the necessary cost and expense of chemicals, man hours of labor and equipment employed, at a rate paid, in the immediate vicinity, for farm labor per day and for equipment used for an eight (8) hour day. Such expenses shall be paid by the county out of the "noxious weed fund", and unless the sum, to be repaid by the owner or occupant, is not repaid before October 15th next ensuing, the county clerk shall certify the amount thereof, with the description of the premises to be charged, and shall extend the same to the assessment list of the said county, as a special tax on said land, but if the land for any reason be exempt from general taxation the amount of such charge may be recovered by direct claim against the State or the county for state or county owned lands. When such taxes are collected, they shall be credited to the "noxious weed fund". In destroying and exterminating such weeds, the supervisors are authorized to take possession and control of any infested tract of land, within their districts, together with any fences or ditches thereon, and to move any fence or ditch where necessary in order to better conduct the control work and process of extermination as may be necessary. If any fence or ditch be moved, the same shall be replaced upon completion of the extermination work, if requested by the landowner.

Destruction of weeds by supervisors if notice not observed.

Collection of costs—special tax.

"In determining what lands shall be included as land covered by the special tax herein referred to and which shall be described in the said certificate of the county clerk, it shall be presumed that all work done upon any of the land of any one landowner shall be for the benefit of all of the land within the district, then, at the time such work was done, belonging to such owner which was contiguous to or joining the piece or parcel upon which such work was done, together with the piece or parcel upon which such work was so done, and the amount so certified shall so become a tax upon the whole thereof."

Land covered by special tax.

Section 4. That Section 13 of Chapter 195 of the Session

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Laws of Montana of 1939, be, and the same is hereby amended to read as follows:

Sec. 13, Chap. 195 Laws of 1939 amended.

"Section 13. **Creation of Noxious Weed Fund by County Commissioners—Expenditure Thereof.** The board of county commissioners of any county in this State may create a noxious weed control and weed seed extermination fund, either by appropriating money from the general fund of the county, or at any time fixed by law for levy and assessment of taxes, levy a tax not exceeding *two (2) mills* on the dollar of total taxable valuation in such county, the proceeds of which shall be used solely for the purpose of promoting the control of noxious weeds or extermination of weed seed in said county and shall be designated to "noxious weed fund". This fund shall be kept separate and distinct by the county treasurer, and shall be expended by the commissioners at such time, and such manner, as is by said supervisors deemed best to secure the control and extermination of noxious weeds and weed seed. Warrants upon such fund may be drawn by the supervisors and countersigned by the commissioners."

Creation of noxious weed fund.

Expenditure thereof.

Section 5. That Section 15 of Chapter 195 of the Session Laws of Montana of 1939, be, and the same is hereby amended to read as follows:

Sec. 15, Chap. 195, Laws of 1939 amended.

"Section 15. **County Commissioners to Control Weeds and to Exterminate Weed Seed on Public Highways and County Owned Lands in the District.** It shall be the duty of the commissioners to control noxious weeds and exterminate noxious weed seed on the highways and county owned land within the confines of the district. The total cost of such control and extermination shall be paid from the "noxious weed fund". *Provided that the cost of exterminating such weeds growing along the right of way of a state or federal highway shall upon the presentation by the commissioners of a verified account of the expenses incurred, be paid from the state highway fund."*

Control of noxious weeds on highways and county owned land.

Cost, how paid.

Section 6. That Section 16 of Chapter 195 of the Session Laws of Montana of 1939, be, and the same is hereby amended to read as follows:

Sec. 16, Chap. 195 Laws of 1939 amended.

"Section 16. **Commissioners Shall Determine Cost of Control and Extermination and Fix the Amount to Be Paid From the Noxious Weed Fund.** The commissioners shall determine and fix the cost of the control of noxious weeds and of extermination of noxious weed seed in *weed*

Fixing of cost of weed control.

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districts whether the same be performed by the individual landowners or by the supervisors. In cases where the landowner controls the weeds and exterminates the weed seed, he shall present to the commissioners a duly verified claim for one-third (1/3) of such cost, and when the same has been approved by the supervisors and commissioners it shall be paid to such landowner out of the "noxious weed fund". When the supervisors do the control and extermination provided for in the herein *weed districts*, one-third (1/3) of the cost thereof shall be paid out of the "noxious weed fund", and the remaining two-thirds (2/3) shall be charged against the land upon which weed control and extermination was had, and such two-thirds (2/3) shall be repaid or collected in the manner hereinbefore provided for."

Apportionment of cost.

Repealing clause.

Section 7. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 5, 1941.

CHAPTER 91

An Act to Provide for the Submission to the Qualified Electors of the State of Montana of an Amendment to Section 11 of Article XI of the Constitution of the State of Montana, Relating to the Appointment, Personnel, Powers, Duties and Terms of Office of the State Board of Education.

Be it enacted by the Legislative Assembly of the State of Montana:

Submission to electors of amendment of Sec. 11 of Art. XI of Constitution.

Section 1. That Section 11 of Article XI of the Constitution of the State of Montana be amended as hereinafter provided and that the question of such amendment be submitted to the qualified electors of the State of Montana at the general election to be held in November, 1942.

Section 2. That Section 11 of Article XI of the Constitution of the State of Montana, be, and the same is hereby amended to read as follows:

State board of education —appointment, terms, powers and duties.

"Section 11. The general control and supervision of the state university and the various other state educational institutions shall be vested in a state board of education whose powers, duties *and terms of office* shall be

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prescribed and regulated by law. The board shall consist of *seven* members *who* shall be appointed by the governor, subject to confirmation by the senate, under regulations and restrictions to be provided by law."

Section 3. That this amendment shall be submitted to the qualified electors of the State of Montana by being placed on the official ballot, and as provided by law, and there shall be printed on such ballot the title of this act and the following words: Official ballot.

☐ For the amendment

☐ Against the amendment

The elector shall designate his preference by marking an X in the square before the proposition for which he desires to cast his vote."

Section 4. The votes cast for and against the amendment herein proposed shall be counted, canvassed and determined by such officials and in such manner as is provided by law therefor and if a majority of all votes cast at such election for and against such amendment shall be in favor of such amendment, the governor shall so declare by public proclamation and the amendment shall be in full force and effect as a part of the Constitution from and after the date of such proclamation. Canvass of votes. Proclamation by governor.

Section 5. That this act shall be in full force and effect from and after its passage and approval. Effective date.

Approved March 5, 1941.

CHAPTER 92

An Act to Amend Section 459.1 of the Revised Codes of Montana of 1935, Relating to Expenses of All Officers and Employees of the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 459.1 of the Revised Codes of Montana of 1935, be, and the same is hereby amended to read as follows: Sec. 459.1 Rev. Codes amended.

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"Section 459.1. Every person engaged in any service in every department of State, inclusive of persons in appointive positions or positions created by law, whose duties consist of full or partial time in traveling to perform any service for the State under monthly or yearly salary, or who may be sent by any authorized executive of any department of the State upon a mission in performance of any clerical work, investigating, reporting, examining, educational service, demonstration work, supervisory or extension work or otherwise of every kind and character, shall make an itemized statement tersely stating in what capacity engaged each day while away from the department in which said daily duties may arise and the expense incurred daily and shall render to the board of examiners the said itemized statement, and at the end of each month, or if sooner required by said board, the said person so engaged shall render a total or recapitulation account thereof in a form to be prescribed by said board; provided, that in all cases such expenses other than railroad fare, bus fare, or automobile hire shall be limited to not more than four dollars ($4.00) per day. The foregoing limitations of expenses shall not apply to elective officers, *their deputies or assistants specifically provided by law, while engaged on official State business outside of the State of Montana*, and in such case, the board of examiners may allow such actual expenses as in their judgment are reasonable in amount *not to exceed eight dollars ($8.00) per day.*"

Expenses of person in travel status in service of state

Amount limited.

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 5, 1941.

CHAPTER 93

An Act Governing the Use, Purchase and Operation of Automobiles, Cars, Trucks and Other Motor Vehicles Used in State Business; Delegating the Supervision of the Use of Such to the State Board of Examiners; Providing the Authority and Duties of Said State Board of Examiners With Reference Thereto; Providing for Promulgation of Rules and Regulations Making the

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State Purchasing Agent the Keeper of Records on the Use of said Vehicles; Limiting the Purchase Price of Passenger Motor Vehicles, Making Certain Exceptions; and Penalties for Violation of this Act.

Be it enacted by the Legislative Assembly of the State of Montana:

State board of examiners constituted custodian of state-owned motor vehicles.

Section 1. The state board of examiners is hereby constituted the custodian of all state-owned motor vehicles. From and after the effective date of this act, the control of all motor vehicles, now owned or hereafter to be owned by the State of Montana, is vested in the state board of examiners; and the state board of examiners shall also have the authority to assign the use of all state-owned motor vehicles to state officers, departments, bureaus, institutions and commissions, or the employees thereof.

Rules and regulations by board.

Section 2. The state board of examiners is hereby delegated the power and authority to formulate and enforce reasonable rules and regulations governing the use and operation of all motor vehicles used in the service of the State of Montana.

Authority of board.

Said state board of examiners is specifically authorized:

(a) To assign for either part, or full time, use to state officers, departments, bureaus, institutions and commissions one or more motor vehicles which may be required by said state officer, department, bureau, institution or commission, after the necessity for such use has been shown by written application, setting forth the substantiating facts.

(b) To approve the purchase of all new motor vehicles for such branches of the state government as required, providing however, that no passenger motor vehicle, except ambulances, busses or trucks, shall be approved for purchase in an amount in excess of one thousand dollars ($1,000.00), retail delivered price, including trade in value. This price limit may fluctuate in direct proportion to any increase or decrease in the retail delivered price as of March 1st, 1941, as shown by the car purchase record of the state purchasing agent.

(c) To revoke any assignment for use in any one department at any time, when the necessity for further use ceases to exist.

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(d) To provide every department head or administrative officer, where automotive vehicles are used on state business, with uniform rules and regulations. These rules shall require that in each such vehicle, there shall be kept an operating history record book, showing the mileage and expenditures for each trip.

(e) To make reasonable rules and regulations relative to the use, storing and serving of state-owned motor vehicles.

(f) To require of all departments a monthly report on forms to be approved by the state board of examiners.

(g) To authorize and permit state officers and employees to use their own motor vehicles on state business when deemed necessary, and to prescribe the regulations for such use.

Travel regulations by state departments.

Section 3. The state board of examiners shall require of the administrator of every state department that they formulate and enforce travel regulations providing:

(a) Filing an application for travel showing necessity for trip, points to be visited, approximate time of departure and return.

(b) Filing a report in the department upon completion of the trip, showing actual points reached, mileage traveled and car cost record data.

(c) Recording in the car operating history record book all items of expense incurred in the purchase of gas, oil, repairs, labor, storage, or service.

Section 4. No state officer or employee shall use any state-owned motor vehicle for his own personal and private use, nor shall he be compensated for driving his own motor vehicle, except if such motor vehicle is used on state business.

Certain motor vehicles excepted.

Section 5. The provisions of this act shall not apply to motor vehicles used and under the control of the state highway department and the Montana highway patrol, or any motor vehicles which may be exempt herefrom by order in writing duly made by the state board of examiners.

Delegation of duties to state purchasing agent.

Section 6. The state board of examiners is hereby authorized, in its discretion, to delegate to the state

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purchasing agent the custody of, and he may be required to maintain, the records, reports and files provided for in this act.

Section 7. This act shall not in any manner affect, or change, the present duties of the state purchasing agent as now prescribed by statute.

Present duties of state purchasing agent not changed.

Section 8. If any clause, or other portion of this act, is held to be invalid, that decision shall not affect the validity of the remaining parts of this act. The legislature hereby declares that all remaining portions of this act are severable and that they would have enacted such remaining portions if the invalid portions had not been included in this act.

Section 9. Any state officer or employee violating any of the provisions of this act shall upon conviction thereof be guilty of a misdemeanor.

Penalty.

Section 10. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Approved March 5, 1941.

CHAPTER 94

An Act to Provide for the Compulsory Installation and Maintenance of Reflectory Caution, Stop Signs at Certain State Highway and Railroad Intersections by the State Highway Commission; and the Compulsory Installation and Maintenance of Reflectory Caution, Stop Signs at Certain State Highway and Railroad Intersections in the State of Montana by Railroad Companies; and Requiring All Vehicles to Come to a Full Stop at Such Signs; and Providing for a Penalty and the Enforcement Thereof.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The state highway commission of the State of Montana is hereby authorized and directed to erect and maintain at each railroad and state highway intersection, as designated by the railroad and public service commission, on the state highway system in the State of Montana suitable reflectory caution signs to be placed

State highway commission to erect caution signs at certain highway and railroad intersections

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approximately five hundred (500) feet on each side of each said intersection, giving warning of said railway crossings. The cost of installing and maintaining said signs is to be paid out of the funds of the state highway commission.

Railroads required to erect stop signs.

Section 2. All railroads within the State of Montana shall erect and maintain at all such state highway and railroad intersections as designated by the railroad and public service commission, pursuant to Section 1, a stop sign twenty-five (25) feet from first rail, of a reflectory nature bearing the word "STOP" and designating the number of tracks to be crossed, said railway companies to bear the cost of installation and maintenance of said signs.

Failure of travelers to stop—penalty

Section 3. Failure of any person or persons traveling in a vehicle of any kind to observe such railway stop sign by not coming to a complete stop at said sign shall be guilty of a misdemeanor punishable by a fine of not less than ten ($10.00) dollars and not more than twenty-five ($25.00) dollars.

Duty of enforcement

Section 4. The duty of the enforcement of the next preceding paragraph hereof shall be in the state highway patrol, who shall have jurisdiction over all persons or parties in violation thereof.

Repealing clause.

Section 5, All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 6. This act shall be in full force and effect from and after September 1, 1941.

Approved March 6, 1941.

CHAPTER 95

An Act to Amend Section 3338 of the Revised Codes of Montana of 1935, Relating to the Publication of Description of Estrays Sold—Disposition of Proceeds Remaining in the State Treasury.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 3338 Rev. Codes amended.

Section 1. That Section 3338 of the Revised Codes of Montana of 1935, be, and hereby is, amended to read as follows:

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"Section 3338. **Publication of Description of Estrays Sold—Disposition of Proceeds Remaining in State Treasury.** A full description of estrays for which the proceeds derived from the sale remains in the hands of the treasurer unclaimed shall be published for the period of two (2) consecutive weekly or semi-monthly *or monthly* issues next after May first of each year in not more than four (4) weekly or semi-monthly *or monthly* publications in the State of Montana, said publications to be designated by the state livestock commission, and when such publication shall have been made and the proceeds from the sale of such animals shall have remained in the hands of the state treasurer for a period of two (2) years, it shall be, by the treasurer, upon request of the state livestock commission, at once placed to the credit of the state livestock commission fund."

Publication of description of estrays sold.

Disposition of proceeds

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Effective date.

Approved March 8, 1941.

CHAPTER 96

An Act to Amend Section 5668.44 of the Revised Codes of Montana, 1935, Relating to Public Works Contractor's Bond, the Amount and Terms of the Bond, the Notice of the Claimant, the Form of Said Notice, Actions on Said Bonds, and Special Provisions in the Bonds, and Repealing All Acts or Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 5668.44 of the Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

Sec. 5668.44 Rev. Codes amended.

"Section 5668.44. **Amount and Terms of Bond—Notice of Claimant—Form—Actions on Bonds—Special Provisions in Bonds.** The bond mentioned in Section 5668.41 shall be in an amount equal to the full contract price agreed to be paid for such work or improvement, and

Amount and terms of bond.

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Amount and terms of bond.

shall be to the State of Montana, except in cases of cities and towns, in which case such municipality may, by general ordinance, fix and determine the amount of such bond, and to whom such bond shall run; provided, that the same shall not be for a less amount than twenty-five per centum (25%) of the contract price of any such improvement, and may designate that the same shall be payable to such city or town and not to the State of Montana. All such persons mentioned in said Section 5668.41 shall have a right of action in his or her or their own name or names, on any bond furnished under the terms of this act for work done by such laborers or mechanics and for provender, materials, supplies, provisions or goods supplied and furnished in the prosecution of such work or the making of such improvements; provided, that such persons shall not have any right of action on such bond for any sum whatever, unless within thirty (30) days from and after the completion of the contract with an acceptance of the work by the affirmative action of the board, council, commission, trustees, officer or body acting for the state, county or municipality or other public body, city, town or district, the laborer, mechanic or subcontractor, or material man or person claiming to have supplied provender, materials, provisions or goods for the prosecution of such work, or the making of such improvement, shall present to and file with such board, council, commission, trustees or body acting for the state, county or municipality or other public body, city, town or district, a notice in writing in substance as follows:

"TO (here insert the name of the state, county, or municipality or other public body, city, town or district):

Notice of claimant —form.

NOTICE IS HEREBY GIVEN that the undersigned (here insert the name of the laborer, mechanic or subcontractor, or materialman, or person claiming to have furnished labor, materials or provisions for or upon such contract or work) has a claim in the sum of..... ..... Dollars (here insert the amount) against the bond taken from..... ....(here insert the name of the principal and surety or sureties upon such bond) for the work of .....(here insert a brief men-

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tion or description of the work concerning which said bond was taken).

(Here to be signed) ....."

Such notice shall be signed by the person or corporation making the claim or giving the notice, and said notice, after being presented and filed, shall be a public record open to inspection by any person, and in any suit or action brought against such surety or sureties by any such person or corporation to recover for any of the items hereinbefore specified, the prevailing party shall be entitled to recover in addition to all other costs, attorneys' fees in such sum as the court shall adjudge reasonable; provided, however, that no attorneys' fees shall be allowed in any suit or action brought or instituted before the expiration of thirty (30) days following the date of filing of the notice hereinbefore mentioned; and provided further, that any city or town may impose any other or further conditions and obligations in such bond as may be deemed necessary for its proper protection in the fulfillment of the terms of the contract secured thereby, and not in conflict herewith."

Actions on bonds.

Special provisions in bonds.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Approved March 8, 1941.

CHAPTER 97

An Act Empowering Employees of the State Industrial School to Convey Boys from the Place of Commitment to such School.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The state industrial school shall designate one or more suitable employees to be known as delivery officers, to convey to such school from the place of commitment, boys legally committed thereto, and such officers so designated shall have the power and authority of deputy sheriffs in respect thereto. The actual expense of conveying boys to the school by such delivery officers shall be at expense of the county from which said boy is committed. Such delivery officers shall be deemed

Delivery officers designated by state industrial school—duties of.

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officers of the court issuing the commitment for the purposes herein set forth.

Approved March 8, 1941.

CHAPTER 98

An Act to Amend Section 2620.43 of Chapter 240 of the Revised Codes of Montana, 1935, Defining Retailer, Wholesaler, Person and Oleomargarine or Any Product or Manufacture Made in Whole or in Part of Animal and Vegetable Oils, and Prohibiting the Use of Coloring Matter in Oleomargarine, and Providing the Manner in Which It Shall Be Packed, Marked and Labeled.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 2620.43 Rev. Codes amended.

Section 1. That Section 2620.43 of Chapter 240 of the Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

Definitions.

"Definitions: For the purpose of this act:

"Retailer."

(a) The word "retailer" means any person who comes into possession of oleomargarine for the purpose of selling or distributing it to the consumer;

"Wholesaler."

(b) The word "wholesaler" means any person licensed by the State of Montana for the purpose of distributing or reselling oleomargarine to a retailer;

"Person."

(c) The word "person" means one or more people, a corporation, a partnership or an association;

"Oleomargarine."

(d) The word "oleomargarine" includes all manufactured substances, extracts, mixtures and compounds, including mixtures and compounds with butter, namely all substances heretofore known as oleomargarine, oleo, oleo oil, butterine, lardine, suine, and neutral, all mixtures and compounds of the same, all lard extracts and tallow extracts, all products made exclusively of vegetable oils or when mixed with other oils when such products are capable of being used as butter substitutes, and all mixtures and compounds of tallows, beef fat, suet, lard, lard oil, fish oil or fish fat, vegetable oil, intestinal fat, offal fat, sesame, cocoanut oil and cottonseed oil, if made in imi-

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tation of butter, or if packaged to resemble butter or calculated or intended to be sold as a substitute for butter. The word "oleomargarine" shall not include salad dressings, mayonnaise products, pharmaceutical preparations, oil meals, cleansing and flavoring compounds, liquid preservative and illuminating oils.

Coloring forbidden.

"No person shall coat, powder or color with annato or any coloring whatsoever, butterine, or oleomargarine, or any compound of the same, or any product or manufacture made in whole or in part from animal fats or animal and vegetable oils not produced from unadulterated milk or cream by which means such product, manufacture, or compound shall resemble butter or cheese, the product of the dairy; nor shall he have the same in his possession with the intent to sell, nor shall he sell or offer the same for sale.

Manufacture and sale of poisonous coloring matter forbidden.

"No person or persons shall manufacture, sell or expose for sale any poisonous coloring matter for coloring of dairy food products of any kind, nor shall any person or persons use in dairy products any poisonous coloring matter manufactured, sold, offered or exposed for sale within the State, nor shall any person or persons sell, offer or expose for sale any dairy food product containing such poisonous coloring matter.

Sale of oleomargarine in cartons required—size of.

Oleomargarine shall be sold in packages or cartons containing net weight of sixteen (16) ounces or one (1) or two (2) pound packages."

Severability of Act.

Section 2. If any Section, subdivision or sentence of this act is found to be unconstitutional, it shall not affect the remaining portion of the act.

Repealing clause.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 4. This act shall be in full force and effect from and after its passage and approval.

Approved March 8, 1941.

CHAPTER 99

An Act to Amend Sections 5502 and 5503 Revised Codes of Montana, 1935, Relating to the Fiscal Year of Munici-

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palities With the Commission-Manager Form of Government.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 5502 Rev. Codes amended.

Section 1. That Section 5502, Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

Fiscal year

"Section 5502. **Fiscal Year—Estimates of Expenditures and Revenues—Contents.** The fiscal year of the municipality shall *commence on the first day of July of each year, and end on the last day of June of each year.*

Estimate of expenditures and revenues.

The city manager shall submit to the commission an estimate of the expenditures and revenues of the municipal departments for the ensuing year. The estimate shall be compiled from detailed information obtained from the several departments on uniform blanks to be furnished by the city manager. The classification of the expenditures shall be as nearly uniform as possible for the main functional divisions of all departments and shall give in parallel columns the following information:

(a) A detailed estimate of the expenses of conducting each department as submitted by the department;

(b) Expenditures for corresponding items for the last two (2) fiscal years;

(c) Expenditures for the corresponding items for the current fiscal year, including adjustments due to transfers between appropriations plus an estimate of expenditure necessary to complete the current fiscal year;

(d) Amount of supplies and materials on hand at the date of the preparation of the invoice;

(e) Increase or decrease of requests compared with the corresponding appropriations for the current year;

(f) Such other information as is required by the commission or that the city manager may deem advisable to submit;

(g) The recommendation of the city manager as to the amounts to be appropriated with reasons therefor in such detail as the commission may direct.

A sufficient number of copies of such estimate shall be prepared and submitted, that there may be copies on file

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in the office of the commission for inspection by the public."

Section 2. That Section 5503, Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

"Section 5503. **Appropriation Ordinance — Details Concerning.** Upon receipt of such estimate, the commission shall prepare an appropriation ordinance in such form as may be prescribed by ordinance or resolution. Before finally acting upon such tentative appropriation, the commission shall fix a time and place for holding public hearing upon the tentative appropriation, and shall give public notice of such hearing. Following the public hearings and before its final passage, the appropriation ordinance shall be published with a parallel comparison with the recommendation of the city manager. The commission shall not pass the appropriation ordinance until ten (10) days after its publication, nor before the *second Monday in August."*

Appropriation ordinance

Section 3. The municipality shall, in accordance with the provisions of Sections 5502 and 5503, prepare and adopt an appropriation ordinance for the interim December 31, 1941, and July 1, 1942, which shall have the same force and effect as though such Sections had not been amended by this act.

Appropriation for interim.

Section 4. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 5. This act shall be in full force and effect on and after July 1, 1941.

Effective date.

Approved March 8, 1941.

CHAPTER 100

An Act to Amend Section 6 of Chapter 80, Laws of the Twenty-fifth Legislative Assembly of the State of Montana, 1937, Relating to Unfair Competition and Discrimination, by Providing for the Exemption of the State of Montana and Its Institutions from the Provisions Thereof; Repealing All Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 6 of Chapter 80 of the Laws of the twenty-fifth legislative assembly of the State of

Sec. 6, Chap. 80 Laws of 1937 amended.

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Montana, 1937, be, and the same is hereby amended to read as follows:

Exceptions.

"Section 6. The provisions of Sections 3, 4 and 5 shall not apply to any sale made:

Closing out or discontinuing stock or commodity.

(a) In closing out in good faith, the owner's stock or any part thereof, for the purpose of discontinuing his trade in any such stock or commodity, and in the case of the sale of seasonal goods or to the bona fide sale of perishable goods to prevent loss to the vendor by spoilage or depreciation, provided notice is given to the public thereof;

Damaged goods.

(b) When the goods are damaged or deteriorated in quality, and notice is given to the public thereof;

Sale by an officer.

(c) By an officer acting under the orders of any court;

May meet legal prices of competitor.

(d) In an endeavor made in good faith to meet the legal prices of a competitor as herein defined selling the same article or product, or service or output of a service trade, in the same locality or trade area.

Sale to state.

(e) *To the State of Montana or any of its institutions.*

defined. Vendor

Any person, firm or corporation who performs work upon, renovates, alters or improves any personal property belonging to another person, firm or corporation, shall be construed to be a vendor within the meaning of this act."

Effective date.

Section 2. This act shall be in full force and effect from and after its passage and approval.

Repealing clause.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 8, 1941.

CHAPTER 101

An Act to Amend Section 831 of the Revised Codes of Montana, 1935, Relating to the Appointment and Term of Office of Members of the State Board of Education.

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Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 831 of the Revised Codes of Montana of 1935, be, and the same is hereby amended to read as follows:

Sec. 831 Rev. Codes amended

"Section 831. The Governor shall appoint, by and with the advice and consent of the senate, the remaining eight (8) members of the board. Such appointments shall be made in the following manner: The appointees shall be equally divided between the first and second congressional districts of the State of Montana and shall be so selected that not more than four (4) of such members are affiliated with the same political party or organization. Upon the expiration of the term of any present member of the board, appointment shall be made in such manner as to carry into effect the foregoing provisions of this act.

Appointive members.

The term of office of the appointive members of the board shall be eight (8) years and until their successors are appointed and qualified. Any appointment to fill a vacancy occuring before the expiration of the term of an incumbent shall be for the remainder of such term only. All appointments to fill vacancies shall be so made as to retain the then existing representation on the board as between congressional districts and political parties or organizations.

Terms of office

Vacancies.

This amendment shall not affect the term of office of any present appointive member of the board, but all such members shall serve out their existing terms in the same way as though this act had not been passed.

Term of present members not affected.

All members hereafter appointed to said board shall be appointed for terms of eight (8) years, and said appointments shall be so arranged that the term of office of one (1) member shall expire each year; provided, however, that in order to carry out this requirement it shall be lawful upon the expiration of the term of office of existing members of the board to make appointment for shorter terms than eight (8) years, and provided, further, that all future appointments of members of the board shall be subject to adjustment in length of term to conform to any change made by law in the number of members of the board."

Terms of members hereafter appointed.

Section 2. This act shall be in full force and effect from and after its passage and approval.

Effective date.

Approved March 8, 1941.

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CHAPTER 102

An Act to Amend Section 8312 of the Revised Codes of Montana of 1935, Relating to Pledgee's Sale of Securities, and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 8312 Rev. Codes amended.

Section 1. That Section 8312 of the Revised Codes of Montana, of 1935, be, and the same is hereby amended to read as follows:

Pledgee's sale of securities.

"Section 8312. **Pledgee's Sale of Securities.** *A pledgee may sell, in accordance with the provisions of this Chapter, any evidence of debt or he may collect the same when due.*"

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 8, 1941.

CHAPTER 103

An Act to Amend Section 3745 of the Revised Codes of Montana 1935, Providing for a Guide's License Fee, the Qualifications of Guide, the Content of the License, and Providing Reciprocity Insofar as Residential Requirements Are Necessary to States Granting Reciprocity to Guides Licensed in the State of Montana, Limiting Such Reciprocity to Counties Bordering a State Adjacent to the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 3745 Rev. Codes amended

Section 1. That Section 3745 of the Revised Codes of Montana of 1935 be, and the same is hereby amended to read as follows:

Guide's license.

"Section 3745. **Guide's License—Fee—Qualifications—Contents.** No person shall engage in the business of guiding, as the term is commonly understood, without first

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having procured from the state fish and game warden a guide's license. Any competent person, who is a bona fide citizen of the State of Montana shall upon the presentation of an affidavit, stating that the applicant is of good moral character and responsible, and signed by three taxpayers of the county in which the applicant lives; and by the applicant making the payment of ten dollars ($10.00) to the state game warden, receive from said state game warden a guide's license, which shall be good for one year only; provided that upon the payment of ten dollars ($10.00) annually said license may be renewed. Such license shall state the name, age, and place of residence of the holder, and shall further recite that the holder of such license is a person of good moral character. *The residential requirements herein provided for procuring a guide's license are hereby waived for the citizens of any state or states to the same extent that the home state of the applicant waives such residential requirements for the citizens of the State of Montana, providing that such waiver shall extend only to counties bordering on a state adjacent to the State of Montana."*

Fee.

Residential requirements waived—when.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Approved March 8, 1941.

CHAPTER 104

An Act to Amend Section 4749.7 of the Revised Codes of Montana, 1935, Relating to the Salary and Bond of Officers Upon Consolidation of Two or More County Offices; Providing for the Appointment of Deputies of Officers of a Consolidated Office; and Providing That the Board of County Commissioners Shall Determine the Number of Such Deputies, as Said Section Was Amended by Chapter 107 Session Laws of 1937.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 4749.7 Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

Sec. 4749.7 Rev. Codes amended.

"Section 4749.7. **Salary and Bond of Officer Upon Consolidation.** When two or more offices are consoli-

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dated under a single officer such officer shall receive *as salary an amount to be determined by the board of county commissioners of the county, but which amount must not be more than twenty per cent (20%) higher than* the highest salary provided by law to be paid to any officer whose duties he is required to perform by reason of such consolidations; *provided that the board of county commissioners shall, at the regular meeting of such board in June 1942, and at the regular meeting of such board in June of each fourth year thereafter, adopt a resolution fixing the salary of such officer for the term beginning with the first Monday in January immediately following the adoption of such resolution; provided further, that such officer* shall give a bond *in an amount equal to the highest bond required by law of any officer whose duties he is required to perform by reason of such consolidation; and* provided *further,* that where county offices are consolidated as hereinbefore described, that the officer of the consolidated offices shall have any deputies they may appoint who shall be approved by the board of county commissioners; and provided further, that the board of county commissioners shall determine the number of deputies, stenographers, and clerks the said officers may appoint."

Salary of officer upon consolidation.

Bond of officer.

Deputies.

Repealing clause.

Section 2. All acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect on and after its passage and approval.

Approved March 10, 1941.

CHAPTER 105

An Act to Provide for the Making of Parties to Actions or Proceedings Affecting Real, Personal or Mixed Property by the Designations of 'Unknown Owners' or 'Unknown Heirs' or 'Unknown Devisees' or by Any and All of Such Designations and for the Manner of Making Such Persons Parties, and for the Effect of Judgments and Decrees Rendered Against Such Parties in Such Actions or Proceedings.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. In all actions or proceedings to obtain title or possession, or for partition, or for sale, or for foreclo-

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sure of any incumbrance, or enforcement of any trust, or specific performance of any contract, or for any other disposition of any property, real, personal, or mixed, situate within the State of Montana, including choses in action either situate within or due or claimed to be due from persons, firms, or corporations resident within the State of Montana, persons whose names are unknown to plaintiff may be made parties defendent either on the filing of the complaint, cross-complaint or complaint in intervention, as the case may be, or at any time thereafter by amendment thereof, by the name and description of unknown owners, or unknown heirs, or unknown devisees of any deceased person, or by all of such designations. When persons are made parties defendant by the designation of unknown owners there shall be added to such designation a brief description of the property, real, personal, or mixed, including choses in action as aforesaid, of which such persons are claimed or supposed to be unknown owners or claimants or parties in interest. When persons are made defendant by the style and description of unknown heirs, there shall be added to such designation of them the name of the deceased person of whom they shall be claimed or supposed to be the heirs. When persons are made defendant by the style and description of unknown devisees, there shall be added to such designation the name of the deceased person of whom they shall be claimed or supposed to be the devisees.

Actions or proceedings affecting property—unknown owners or unknown heirs as parties defendant.

Section 2. Judgments and decrees rendered in actions or proceedings when persons have been so made parties and served by publication of summons, shall have the same effect in all respects as if such persons had been made parties by their own proper names, and had been served by publication and mailing of summons according to the statutes in such case made and provided. If in such action or proceeding persons are made parties by the designation of unknown heirs as aforesaid, the judgment or decree shall be conclusive as to all heirs of such deceased party. When in any action or proceeding persons are made defendants by the designation of unknown devisees as aforesaid, the judgment or decree in such proceedings shall be conclusive as against all devisees of such deceased person. When in any action or proceeding persons are made defendants by the designation of unknown owners as aforesaid, the judgment or decree rendered in such action or proceeding shall be conclusive as against the

Effect of judgments and decrees.

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world, including all contingent interests in the controversy and persons not in being who may have an interest or contingent interest therein.

Repealing clause.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 4. This act shall be in full force and effect from and after its passage and approval.

Approved March 10, 1941.

CHAPTER 106

An Act to Amend Section 3324 of the Revised Codes of Montana of 1935, as Amended by Section 1 of Chapter 133 of the Session Laws of 1937, as Amended by Chapter 85 of the Session Laws of 1939, Relating to Inspection of Livestock on Removal From County to County.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 3324 Rev. Codes further amended.

Section 1. That Section 3324 of the Revised Codes of Montana of 1935, as amended by Section 1 of Chapter 133 of the Session Laws of 1937, as amended by Chapter 85 of the Session Laws of 1939, be, and the same is hereby amended to read as follows:

Inspection of livestock for brands upon removal from one county to another

"Section 3324. **Inspection of Livestock.** From and after the passage of this act, it shall be the duty of any and all persons, association, or corporations removing or taking any cow, ox, bull, stag, heifer, steer, calf, horse, mule, mare, colt, foal, or filly from one county to another to cause the same to be inspected at point of loading for brands, by a state stock inspector, and no railroad company, other carrier or person shall accept such livestock for shipment, unless the shipper shall produce a certificate of their inspection for brands as herein required; (provided, however, that the provisions of this act shall not

Exception

apply to the said stock when driven by the owner from one county to another for the purpose of pasturing, feeding or changing the range thereof, nor to any stock *driven* from one county to another by any person, association or corporation, when such stock is used in the ordinary conduct of his or its business, and such person, association or

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corporation has been the owner of said stock to be removed for at least three (3) months); and, provided further, that whenever any of the class of stock aforementioned shall be loaded for shipment with any railroad company and be consigned to any point where the state board of stock commissioners maintain a stock inspector, and where loading tally is filed as required in Section 3341, then such shipments so consigned, need not be inspected before shipment.

Further exception.

If shipment is made other than by railroad, the person receiving said inspection certificate must retain the same until the animals are sold or delivered, after which it shall be forwarded to the livestock commission with a verified statement attached thereto, showing the name and address of the person, firm or corporation, to whom the animals were sold or delivered.

Disposition of inspection certificate in case of shipment by other than by railroad.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Approved March 10, 1941.

CHAPTER 107

An Act to Amend Section 1999 of the Revised Codes of the State of Montana, 1935, as Amended by Chapter 130 of the Laws of Montana, Twenty-fifth Session, 1937, Relating to the Classification of Property for Taxation.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1999 of the Revised Codes of the State of Montana, 1935, *as amended by Chapter 130 of the laws of Montana, twenty-fifth session, 1937,* be, and the same is hereby amended to read as follows:

Sec. 1999 Rev. Codes further amended.

"Section 1999. **Classification of Property for Taxation.** For the purpose of taxation the taxable property in this State shall be classified as follows:

Classification of property for taxation.

Class One. The annual net proceeds of all mines and mining claims, after deducting only the expenses specified and allowed by Section 2565 of the Revised Codes of Montana (2090); also where the right to enter upon land to explore or prospect or dig for oil, gas, coal, or mineral

Class one —annual net proceeds of mines and mining claims.

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is reserved in land by any person or corporation, the surface title to which has passed to another, the assessor and the state and county boards of equalization shall determine the value of the right to enter upon said tract of land for the purpose of digging, exploring, or prospecting for gas, coal, oil, or minerals, and the same shall be placed in this classification for the purpose of taxation.

Class two —household goods and furniture and other personal property.

Class Two. All household goods and furniture, including clocks, musical instruments, sewing machines, wearing apparel of members of the family, and all personal property actually used by the owner for personal and domestic purposes, or for the furnishing or equipment of the family residence; all agricultural and other tools, implements and machinery, gas and other engines and boilers, threshing machines and outfits used therewith, automobiles, motor trucks and other power-driven cars, vehicles of all kinds, boats and all water craft, harness, saddlery and robes.

Class three —property included.

Class Three. Livestock, poultry and all agricultural products; stocks of merchandise of all sorts; together with furniture and fixtures used therewith; and all office and hotel furniture and fixtures.

Class four —property included.

Class Four. All land, town and city lots, with improvements, manufacturing and mining machinery, fixtures and supplies, except as otherwise provided by the Constitution of Montana.

Class five —moneys and credits.

Class Five. All moneys and credits, secured or unsecured, including all state, county, school district and other municipal bonds, warrants and securities, without any deduction or offset; provided, however, that the terms, moneys and credits as herein used shall not embrace the moneyed capital employed in the banking business by any banking corporation or individual in this State.

Property of rural electrical associations.

Also all poles, lines, *transformers, transformer stations, meters, tools, improvements, machinery* and other property used and owned by cooperative rural electrical associations organized under the laws of Montana.

Class six— shares of stock of national banking associations.

Class Six. The shares of stock of national banking associations and the moneyed capital employed in conducting a banking business by any other banking corporation, association or individual in this State. Such money capital to be ascertained by deducting from the moneys and

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credits of such banking corporation, association, or individual, the amount of the deposits and any indebtedness representing money borrowed for use in said business, and the value of the shares of any National Banking Association, to be ascertained by deducting the value of all real estate of such association.

Class Seven. All property not included in the six preceding classes." Class seven.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed. Repealing clause.

Section 3. This act shall be in full force and effect from and after its passage and approval. Effective date.

Approved March 10, 1941.

CHAPTER 108

An Act to Designate a Certain Portion of the State Biological Grounds on Yellow Bay, Flathead Lake, Lake County, Montana, as a Scientific and Recreational Park and Permitting the Development Thereof for Public Use.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That in order to preserve and protect the biological station grounds hereafter referred to, and to remove fire hazards and the danger of other encroachments tending to detract from the scientific values and uses thereof, the Montana state park commission is authorized to establish and maintain a state scientific and recreational park on a suitable area to be designated by it not exceeding fifteen (15) acres at the southeast portion of the lands granted by the United States of America to the State of Montana for the use of the university of Montana for biological station purposes. Establishment and maintenance of a state park commission authorized.

Section 2. That if and when said park is established, the park commission shall make such rules and regulations governing its use, occupancy and the protection of the remaining lands of said grant that the use of all of said lands for biological station purposes shall be promoted and continued; and the park itself shall be so established and maintained as to develop and encourage public inter- Rules and regulations respecting park.

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est in the scientific and biological resources of the area; provided, however, that nothing herein contained shall operate to prevent the use of the area within the said park for biological station purposes whenever it becomes useful or necessary for such purposes.

Effective date.

Section 3. This act shall be in full force from and after its enactment.

Approved March 10, 1941.

CHAPTER 109

An Act to Amend Section 1882.2 of the Revised Codes of Montana of 1935, Relating to the Area to be Leased, Limitations, Term of Leases and Operating Agreements on State Lands.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 1882.2 Rev. Codes amended.

Section 1. That Section 1882.2 of the Revised Codes of Montana of 1935, be, and the same is hereby amended to read as follows:

"1882.2. **Area to Be Leased—Limitations—Term of Leases—Operating Agreements.** No oil or gas lease issued on state lands shall embrace more than six hundred forty (640) acres, except, however, that any section which as surveyed by the government of the United States contains more than six hundred forty (640) acres may be included under one lease. Any person, association, corporation, or municipality qualified to hold an oil or gas lease on state lands may receive from the state board of land commissioners or take through assignment, or succession, will, judgment, decree, or otherwise through the operation of law, more than one oil and gas lease to state lands, subject, however to such regulations and limitations as the state board of land commissioners may prescribe, both as to the number of such leases and otherwise.

Area to be leased.

Holding more than one lease permitted.

"All leases issued hereunder shall be granted for a period not exceeding ten (10) years and as long thereafter during the term of *twenty (20)* years commencing with the date of such lease or leases, as oil or gas of commercial quality and in commercial quantity shall be produced

Term of leases.

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from the land covered thereby; provided however, that all drilling, rental and other obligations are fully kept and performed by the lessee.

Operating agreements.

"All holders of state oil and gas leases may enter into agreements with other persons, associations, firms and corporations for drilling and other operations on the state lands under their leases; but no such operating agreements shall in any way be binding upon the State until filed with the secretary of the state board of land commissioners and approved by the board; and no such drilling or operating agreement shall in any way effect the obligations of each individual lease holder to the State.

State board of land commissioners may enter agreements for pooling of acreage.

"Nothing herein contained, or in Chapter 108 of the Session Laws of the State of Montana of 1927, (Sections 1882.1 to 1882.24) or elsewhere, shall prevent or be so construed as to prevent the state board of land commissioners from entering into agreements for the pooling of acreage with others for unit operations for the production of gas and the apportionment of gas royalties on an acreage or other equitable basis, and from modifying existing leases and leases hereafter entered into with respect to delay rentals, delay drilling penalties and royalties in accordance with such pooling agreements and such unit plans of operation; provided however, that such agreements shall not change the percentages of royalties to be paid to the State from the percentages as fixed in its leases.

Extension of term of certain leases.

"The state board of land commissioners is hereby authorized to extend the term of oil and gas leases issued prior to the date when this act takes effect, and where oil or gas of commercial quality and in commercial quantity is produced from the land covered thereby, from a term of fifteen (15) years commencing with the date of such lease or leases to the term of twenty (20) years commencing with the date of such lease or leases."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 10, 1941.

CHAPTER 110

An Act to Amend Section 9117 of the Revised Codes of Montana, 1935, Relating to Publication of Summons and

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to Provide for the Service by Publication of Summons in Cases Where Unknown Persons are Made Parties Defendant.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 9117 Rev. Codes amended.

Section 1. That Section 9117 of the Revised Codes of Montana of 1935, be, and the same is hereby amended to read as follows:

Publication of summons.

"9117. **Publication of Summons.** When the person on whom the service of a summons is to be made resides out of the State, or has departed from the State, or cannot, after due diligence, be found within the State, or conceals himself to avoid the service of the summons; or when the defendant is a foreign corporation, having no managing or business agent, cashier, secretary, or other officer within the State, *or where any persons are made defendant by the style and description of unknown owners or unknown heirs or unknown devisees of any deceased person and the names of such unknown owners or heirs or devisees are unknown to the plaintiff in the action,* and an affidavit stating any of these facts is filed with the clerk of the court in which the action is brought, and such affidavit also states that a cause of action exists against the defendant in respect to whom the service of the summons is to be made, and that he or it is a necessary or proper party to the action, the clerk of the court in which the action is commenced shall cause the service of the summons to be made by publication thereof. The provisions of this Section shall apply to all actions and proceedings in which personal service of summons is not required to be made in order to obtain relief, including every action or proceeding commenced in any district court of this State to enforce any legal or equitable lien upon, or claim to, or to remove any encumbrance, or lien, or cloud, upon the title of real or personal property within this State."

To what actions this section applies

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 10, 1941.

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CHAPTER 111

An Act to Amend Section 1783, of the Revised Codes of Montana, 1935, by Providing for a Five Member Commission; and Providing for the Districting of the State of Montana Into Five Commissioner Districts.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1783 of the Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

Sec. 1783 Rev. Codes amended.

"Section 1783. **State Highway Commission—Creation —Salary—Bond—Term of Office.** There is hereby created a commission to be known as the state highway commission to consist of *five* members to be appointed by the governor and each of said members shall be a citizen of the United States and of the State of Montana.

State highway commission created.

One of said members shall be a bona fide resident of a district consisting of the following counties: Lincoln, Flathead, Sanders, Lake, Mineral, Missoula, Ravalli, Granite, Lewis and Clark, Jefferson and Broadwater; and one shall be a bona fide resident of a district consisting of the following counties: Powell, Deer Lodge, Silver Bow, Beaverhead, Madison, Gallatin, Meagher, Wheatland, Park and Sweet Grass; and one shall be a bona fide resident of a district consisting of the following counties: Glacier, Toole, Liberty, Hill, Blaine, Pondera, Teton, Chouteau, Cascade, and Judith Basin; and one shall be a bona fide resident of a district consisting of the following counties: Fergus, Petroleum, Garfield, Phillips, Valley, McCone, Prairie, Dawson, Wibaux, Richland, Roosevelt, Daniels and Sheridan; and one shall be a bona fide resident of a district consisting of the following counties: Golden Valley, Stillwater, Carbon, Big Horn, Yellowstone, Musselshell, Rosebud, Treasure, Custer, Powder River, Carter, and Fallon. Provided that said districts are herein referred to only for the purpose of defining the sections of the State of Montana from which the members of said commission shall be appointed.

Area of districts of which the members respectively shall be residents.

Each commissioner shall hold office for the term of four (4) years and until his successor is appointed and qualified and shall receive as compensation to be paid out of the highway fund, the sum of ten dollars ($10.00) per

Term of office of commissioners.

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diem for each day actually engaged in the duties of his office, including his time of travel between his home and place of employment of such duties, together with his traveling expenses while away from his home in the performance of the duties of his office. Provided, however, that said commissioners herein provided for, shall not be appointed until such time as a vacancy exists in said commission as constituted at this time.

Chairman—office of commission to be in state capitol.

The commission shall choose one of its own number as chairman and shall have power to appoint an engineer and other employees of the commission. The office of said commission shall be maintained in the state capitol building.

Bonds of commissioners.

Each commissioner shall give bond conditioned for the faithful performance of his duties in the sum of ten thousand dollars ($10,000.00)."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect from and after July 1, 1941.

Approved March 10, 1941.

CHAPTER 112

An Act Relating to the Floating Indebtedness of County Poor Funds Outstanding at the Close of Business on June 30, 1941; Providing for Levying Special Taxes to Pay the Same; and Prohibiting the Making of Grants in Aid to Counties Under the Provisions of Part II of Chapter 82, Session Laws 1937, as Amended, When Such Counties were on June 30, 1941, Owing Any Amount or Amounts to the State Department of Public Welfare on Account of Reimbursements, If Such Counties Fail to Take Advantage of the Provisions of This Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The board of county commissioners of any county having, at the close of business on the 30th day of June, 1941, a floating indebtedness consisting of valid

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outstanding warrants drawn and issued against its poor fund, or valid and subsisting debts and liabilities, including any amount or amounts owing to the state public welfare department, or to any of its funds, by way of reimbursement, payable out of such poor fund but for which warrants have not been issued, or consisting of both such warrants and debts and liabilities, and being without sufficient money in such poor fund with which to pay the same and leave a balance therein sufficient to meet the expenditures which will be required to be made therefrom during the period July 1, 1941 to October 31, 1941, may provide for the payment of such floating indebtedness, or so much thereof as cannot be paid from the money in such poor fund and leave such required balance, by making special levies for and during either or both of the fiscal years July 1, 1941 to June 30, 1942, and July 1, 1942 to June 30, 1943, as hereinafter provided.

Special levies for payment of outstanding warrants against county poor fund.

Section 2. The board of county commissioners of any county desiring to take advantage of the provisions of this act shall, at the regular meeting of the board in July, 1941, adopt a resolution, which shall set forth the following as of the close of business on June 30, 1941: (a) the amount of such outstanding poor fund warrants; (b) the amount of all debts and liabilities for which warrants have not been issued, excluding any amount or amounts due to the state public welfare board or any of its funds; (c) the amount or amounts due to the state public welfare board or any of its funds; (d) the amount of money in the poor fund; (e) an estimate of the amount necessary to meet expenditures which will be required to be made from the poor fund during the period July 1 to October 31, 1941; (f) the excess, if any, of the amount of money in the poor fund over the amount of such estimated required expenditures, and which excess can be applied in payment of such floating indebtedness; (g) the amount of such floating indebtedness which cannot be paid out of moneys in the poor fund and leave a balance therein sufficient to meet such estimated required expenditures and to the payment of which amount the proceeds of the special tax herein authorized to be made shall be applied.

Procedure—contents of required resolution.

Section 3. If it shall appear from said resolution that there is any amount of money in the poor fund in excess of the amount required for such estimated expenditures, then such excess shall be applied in payment of such float-

Application of money in poor fund in excess of estimated expenditures.

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ing indebtedness, provided, that if the resolution shall show that the county is owning any amount or amounts to the state public welfare department for reimbursements, then any such excess, or so much thereof as may be necessary, shall be applied in payment of such amount or amounts owing to such state public welfare department.

Amount and term of special tax levy.

Section 4. The board of county commissioners of any such county, after the adoption of such resolution shall have the power and authority to make a special tax levy of not exceeding one (1) mill for the fiscal year July 1, 1941 to June 30, 1942, for the purpose of paying such floating indebtedness, with interest thereon, and if the proceeds of such levy are not sufficient for such purpose, then to make a levy of not exceeding one (1) mill for the fiscal year July 1, 1942 to June 30, 1943, for such purpose, such levies to be made at the time other tax levies are made and fixed by such board. The proceeds of such special tax levy or levies shall be by the county treasurer deposited in a special fund to be designated "poor fund debt reduction fund" and shall not be used for any purpose whatever except for payment of the principal and interest of such floating indebtedness as set out in said resolution, provided, that if said resolution shall show any amount or amounts owing to the state public welfare department or to any of its funds, the proceeds of such levy or levies shall first be applied to the payment thereof, and any remaining amount of such proceeds shall then be applied to the payment of such other floating indebtedness; and provided, further, that if, after all of such floating indebtedness, with interest thereon, has been fully paid, any amount remains in such special fund then such amount, with any amounts coming into said fund thereafter from payment of delinquent or protested taxes, shall be transferred to the poor fund of the county.

Disposition of proceeds

Grant in aid denied counties failing to take advantage of this act.

Section 5. No county which may take advantage of the provisions of this act, and which fails to do so, and which shall be owing any amount or amounts to the state public welfare department or any of its funds by way of reimbursement, and which amount or amounts, or some part thereof, could have been paid by such county taking advantage of this act and making a levy or levies as herein provided, shall receive from the state public welfare department any grant in aid in accordance with or under

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the provisions of Part II of Chapter 82, Session Laws 1937, as amended, so long as any part of any such amount or amounts, shall remain unpaid.

Section 6. This act shall be in full force and effect on and after its passage and approval. Effective date.

Approved March 10, 1941.

CHAPTER 113

An Act Amending Section 3450 Revised Codes of Montana, 1935, Relating to the Powers and Duties of the State Coal Mine Inspector.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3450, Revised Codes of Montana, be, and the same is hereby amended to read as follows: Sec. 3450 Rev. Codes amended.

"Section 3450. **Powers and Duties of Inspector.** The state coal mine inspector shall have the right, and it is hereby made his duty, to enter, inspect, and examine any coal mine or any shaft, drift, or slope in the process of sinking for the purpose of mining coal in this State, and the workings and the machinery belonging thereto, at all reasonable times, either by day or night, but not so as to impede or obstruct the workings of the mine, and when such inspection is contemplated he shall first notify the person in charge of his intention to make such examination. He shall also have the right and it is his duty to make inquiry into the condition of such mine, workings, machinery, scales, ventilation, drainage, method of lighting or using lights, and into all methods and things connected with or relating to, as well as to make suggestions providing for the health and safety of persons employed in or about the same, and especially to make inquiry whether or not the provisions of the laws providing for the regulation of coal mines, or other acts which may hereafter be enacted governing coal mines, have been complied with. *If the inspector finds any condition respecting ventilation in any part or portion of said mine in violation of the regulations provided in such act, he shall confer with the management of the mine, in regard to such condition. If the mine inspector and the mine management can agree as to the time in which said condition respecting ventila-* Powers and duties of inspector.

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tion can be corrected, said agreement shall be reduced to writing and signed by the mine inspector and the mine management, and a signed copy thereof shall be filed with the industrial accident board. It shall then become the duty of the mine management to correct the faulty condition, and if such correction be not made within the time specified in the agreement, the mine inspector is thereupon empowered to order all work to cease in that particular part or portion of the mine where such condition respecting ventilation exists. Any person wrongfully refusing to comply with such an order shall be guilty of a misdemeanor.

Duty of mine owner.

The owner, operator, or superintendent of such mine is hereby required to furnish the means necessary for such entry, inspection, examination, inquiry, and exit. It shall also be the duty of the said coal mine inspector to carefully examine all the coal mines in operation in this State at least every three months, and oftener if necessary, to see that every precaution is taken to insure the safety of all the workmen that may be engaged in said coal mine. The said inspector shall make a record of the visit, noting the time and the material circumstances of the inspection. At the time of making his regular quarterly inspection, in the event of the inspector having in his possession any complaint in writing to the effect that the mining code is being violated, he shall notify the employees that he is about to make such inspection, and if the employees, in some proper manner, select one of their number to accompany the inspector on such inspection, he shall permit such employee to so accompany him. In the event of no such selection being made, the inspector may, if he so desires, request some employee to accompany him. The owner or operator shall at all times have the right to personally accompany the inspector while inspecting his property, or to designate some one to so accompany him."

Further duties of inspector.

Right of owner to accompany inspector.

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 11, 1941.

CHAPTER 114

An Act Prohibiting Retail Vendors of Liquor or Wines From Employing Any Person Under the Age of Twen-

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ty-one (21) Years as a Bartender, Waiter or Waitress Whose Duty It Would Be to Serve Customers Purchasing Liquors, Beer or Wines.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. No person under the age of twenty-one (21) years of age shall be employed as a bartender, waiter, or waitress whose duty is to serve customers purchasing liquors, beer or wines in any establishment which sells liquors, beer or wines at retail. Employment of minors as bartenders forbidden.

Section 2. Any retail vendor of liquors, beer or wines who employs any such person under the age of twenty-one (21) years is guilty of a misdemeanor. Penalty.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed. Repealing clause.

Approved March 12, 1941.

CHAPTER 115

An Act to Amend Section 5859 of the Revised Codes of Montana of 1935, Relating to the Consent of a Child's Parents in Adoption Proceedings by Providing for Service of a copy of the Petition for Adoption on Parents Who Are Non-residents of the State by Publication, and Authorizing a Court to Make a Valid and Binding Order of Adoption Without Written Consent of the Parents in Such Cases, and Providing for Appeals From the Order of the Court.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 5859 of the Revised Codes of Montana of 1935, be, and the same hereby is amended to read as follows: Sec. 5859 Rev. Codes amended.

"Section 5859. **Consent of Child's Parents.** A legitimate child cannot be adopted without the consent of its parents, if living, nor an illegitimate child without the consent of its mother, if living; except that consent is not necessary from a father or mother deprived of civil rights, or adjudged guilty of adultery or of cruelty, and for either cause divorced, or adjudged to be an habitual drunkard, Consent of child's parents.

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or who has been judicially deprived of the custody of the child on account of cruelty or neglect, or who has, in this or any other State, wilfully abandoned a child, or caused the same to be maintained *by* any public orphans' asylum, *home or agency,* for one (1) year without contributing to the support of said child; neither is the consent of any one necessary in the case of an abandoned child; provided, however, that when any such child, being a half-orphan, and kept and maintained within any orphans' home, asylum *or agency* in this State for one (1) year or over, may be adopted with the consent of a majority of the board of trustees of said orphans' home, asylum *or agency,* without the consent of the parent, unless such parent has paid toward the expenses of the maintenance of such half-orphan at least sixty (60%) per cent of the legitimate cost of keeping and maintaining said child during the said time, if able to do so; and where the parent is a non-resident of this State, said child may be adopted with the consent of a majority of the board of trustees of such home, asylum *or agency,* whenever it has been left by its parents in such home or asylum for more than one (1) year, whether the parent has contributed to its support or not, and the consent of the parent of such half-orphan is not necessary to its adoption, whenever a majority of the board of trustees are authorized to give such consent as in this Chapter provided, which consent shall be given in the same manner that parents are authorized by law to consent to adoption of their children. *If the written consent of the parent or parents herein required is not filed in court, the court shall upon petition for adoption order citation in the name of the State of Montana, and under the seal of the court, to issue to the parent or parents, whose consent is not filed, directing such parent or parents to appear in court at a time to be fixed by the court in such order to show cause and citation why such petition should not be granted, and such citation together with a copy of the petition for adoption shall be personally served upon such parent or parents; or if any such parent or parents cannot be found within this State service may be had by publication of a copy of said citation in the manner provided for the publication of summons according to the provisions of Section 9118 of the Revised Codes of Montana of 1935. If, after such service, a parent whose consent is required does not appear the court may act upon the petition without the consent of such parent, and the order of*

Citation to parents whose consent is not filed.

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the court upon such proceedings shall be binding upon all persons so served; provided that any such person shall have the right to appeal from the order in the manner and form provided for appeals from a judgment in civil actions."

Right to appeal

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Approved March 11, 1941.

CHAPTER 116

An Act for the Submission to the Qualified Electors of the State of Montana of an Amendment to the Constitution of the State of Montana Making the Terms of Office of Certain Elective and Appointive Officers, Not Enumerated in Sections 4 and 5 of Article XVI of the Said Constitution, as Amended by the Adoption of the Provisions of Chapter 93 of the Session Laws of 1937, Conform to Such Amendment by the Amendment of Sections 19 and 20 of Article VIII and Section 6 of Article XVI of Said Constitution, Relating to the Terms of Office of County Auditors, County Attorneys, Justices of the Peace, Constables, and Municipal Officers.

Be it enacted by the Legislative Assembly of the State of Montana:

Amendment of Sections 19 and 20, Art. VIII and Section 6, Art. XVI of Constitution—submission to electors.

Section 1. That Sections 19 and 20 of Article VIII and Section 6 of Article XVI of the constitution of the State of Montana be amended as hereinafter provided, and that the question of such amendment be submitted to the qualified electors of the State of Montana at the general election to be held in November, 1942.

Amendment of Sec. 19, Art. VIII.

Section 2. That Section 19 of Article VIII of the constitution of the State of Montana, be, and the same is hereby amended, so as to read as follows:

County attorney—election, qualifications, term.

"Section 19. There shall be elected at the general election in each county of the State one (1) county attorney, whose qualifications shall be the same as are required for a judge of the district court, except that he must be over twenty-one (21) years of age, but need not be twenty-five (25) years of age, and whose term of office shall be *four (4)* years, and until their successors are elected and quali-

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fied. He shall have a salary to be fixed by law, one-half of which shall be paid by the State, and the other half by the county for which he is elected, and he shall perform such duties as may be required by law."

Amendment of Sec. 20, Art. VIII

Section 3. That Section 20 of Article VIII of the constitution of the State of Montana, be, and the same is hereby amended, so as to read as follows:

Justices of the peace —election, term, jurisdiction.

"Section 20. There shall be elected in each organized township of each county by the electors of such township at least two (2) justices of the peace, who shall hold their offices, except as otherwise provided, in this constitution, for the term of *four (4)* years. Justices' court shall have such original jurisdiction within their respective counties as may be prescribed by law, except as in this constitution otherwise provided; provided, that they shall not have jurisdiction in any case where the debt, damage, claim or value of the property involved exceeds the sum of three hundred ($300.00) dollars. There shall also be elected in each organized township of each county, by the electors of such township, at least two constables, who shall hold their offices for a term of four years."

Constables.

Amendment of Sec. 6, Art. XVI

Section 4. That Section 6 of Article XVI of the constitution of the State of Montana, be, and the same is hereby amended so as to read as follows:

Other county, township, precinct and municipal officers.

"Section 6. The legislative assembly may provide for the election or appointment of such other county, township, precinct and municipal officers as public convenience may require and their terms of office shall be as prescribed by law, not in any case to exceed *four (4)* years, except as in this constitution otherwise provided."

Official ballot for voting upon this amendment.

Section 5. This amendment shall be submitted to the qualified electors of the State of Montana by being placed on the official ballot provided by Section 678 of the Revised Codes of Montana, 1935, and as provided by law, and there shall be printed on such ballot the title of this act and the following words:

☐ FOR THE ABOVE AMENDMENT.

☐ AGAINST THE ABOVE AMENDMENT.

The elector shall designate his preference for either of the

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propositions by marking an "X" before the proposition for which he desires to vote.

Section 6. The vote cast for and against the amendment herein proposed shall be counted, canvassed and determined by such officials and in such manner as provided by law, and if a majority of all votes cast at such election for and against such amendment shall be in favor of such amendment, the governor of the State shall so declare by public proclamation, and the amendment shall be in full force and effect as a part of the constitution from and after the date of such proclamation.

Canvass of vote.

Proclamation of governor.

Section 7. This act shall be in full force and effect from and after its passage and approval.

Effective date.

Approved March 11, 1941.

CHAPTER 117

An Act to Amend Certain Sections and Subsections of Chapter 82 of the 1937 Session Laws, Being the Public Welfare Act of the State of Montana, as Follows: Subsection (c) of Section III of Part I, as Amended by Section 1 of Chapter 129 of the 1939 Session Laws; Subsection (b) of Section VI of Part I, as amended by Section 2 of Chapter 129 of the 1939 Session Laws; Subsection (b) of Section XI of Part I, as Amended by Section 8 of Chapter 129 of the 1939 Session Laws; Subsection (a) of Section II of Part II, as Amended by Section 11 of Chapter 129 of the 1939 Session Laws; Section VI of Part II, as Amended by Section 15 of Chapter 129 of the 1939 Session Laws; Section VII of Part II; Section IX of Part II, as Amended by Section 14 of Chapter 129 of the 1939 Session Laws; Section IV of Part V; Subsection (h) of Section IV of Part VI; and to Repeal Subsection (a) of Section IV of Part VI; All of Which Sections, Subsections and Amendments Thereto Relate to the General Welfare and the Social Security of the People of the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Subsection (c) of Section III of Part I of Chapter 82, Session Laws 1937, as amended by Section

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Further amendment of Sub-Sec. (c) of Sec. III of Part I of Chap. 82, Laws of 1937.

1 of Chapter 129 of the 1939 Session Laws, be, and it is hereby amended to read as follows:

Duty of board.

"(c) The state board is charged with the authority and duty to exercise general supervision and control over all activities and agencies as provided for in each part of this act.

Duties of administrator.

The state board shall be limited in function to that of general policy and rules and regulations and all administrative and executive authority, functions and duties shall be vested in the state administrator, subject to the authority of the state board.

Board to adopt policies conformable to federal social security act.

The state board shall be responsible for the adoption of such general policies, rules and regulations as are necessary for the government of the state department, county departments or any of its agencies, including specific regulations to prohibit political activities by employees of the state and county departments of public welfare. All such policies, rules and regulations shall conform to the federal social security act, the rules and regulations issued by the federal social security board and also shall conform to the state welfare act, and all policies, rules and regulations so adopted by the state board shall be binding upon the several county departments and county boards of public welfare.

Disclosure of information made a misdemeanor.

The use or disclosure of information concerning applicants or recipients of old age assistance, of aid to the blind or of aid to dependent children for purposes not directly connected with the administration of these forms of assistance, shall be unlawful, and shall constitute a misdemeanor. The state department of public welfare shall adopt all rules and regulations necessary to give effect to this provision."

Section 2. That Subsection (b) of Section VI of Part 1 of Chapter 82, Session Laws 1937, as amended by Section 2 of Chapter 129 of the 1939 Session Laws, be, and it is hereby amended to read as follows:

"(b) In conformity with the merit system governing the selection and entire status of officers and employees in the state department of public welfare and in all county departments of public welfare in the State of Montana, adopted by the state board of public welfare and approved by the social security board, the state administrator shall

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appoint such other state department and supervisory field personnel as may be necessary for the efficient performances of the activities of the state department. The administrator shall also supervise the appointment, dismissal and entire status of the public assistance staff attached to the county boards of public welfare in accordance with the merit system. All state department and county department personnel shall be legal residents of the State of Montana, *unless it is impossible to find residents of the State possessing qualifications required by the merit system.*"

Personnel to be appointed on merit system.

Section 3. That Subsection (b) of Section XI of Part I of Chapter 82, Session Laws of 1937, as amended by Section 8 of Chapter 129 of the 1939 Session Laws, be, and it is hereby amended to read as follows:

Sub-Sec. (b) of Sec. XI of Part I of Chap 82, Laws of 1937, further amended.

"(b) It is hereby made the duty of the board of county commissioners in each county to levy the per capita tax of two dollars ($2.00), and the six (6) mills for the county poor fund as provided by law, or so much thereof as may be necessary. *The board shall* budget and expend so much of the funds in the county poor fund for all purposes of this act as will enable the county welfare department to pay the general relief activities of the county and to *reimburse the state department of public welfare for the county's* proportionate share of *the administrative costs of the county welfare department, of* old age assistance, aid to needy dependent children, aid to needy blind and its proportionate share of any other welfare activity that may be carried on jointly by the State and the county.

Per capita and millage tax to be levied by county commissioners.

The amounts set up in the budget for the reimbursements to the state department shall be sufficient to make all of these reimbursements in full. The budget shall make separate provision for each one of these public assistance activities, and proper accounts shall be established for the funds for each and all of such activities.

As soon as the preliminary budget provided for in Section 4613.3 of the Revised Codes of 1935 has been agreed upon, a copy *thereof* shall without delay be mailed to the state administrator of public welfare, and *it shall be his duty,* at any time before the final adoption of the budget, to make such recommendations with regard to changes in any part of the budget relating to the county poor fund as is deemed necessary in order to enable the

Copy of preliminary budget to be mailed to administrator.

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county to discharge its obligations under the public welfare act.

Notice to county clerk by administrator.

The state administrator shall promptly examine the preliminary budget so submitted to him in order to ascertain if the amounts provided for reimbursements to the state department are likely to be sufficient, and shall notify the county clerk of his findings. It is hereby made the duty of the board to make such changes in the amounts provided for reimbursements, if any are required, that the county will be able to make the reimbursements in full.

Transfer from amounts budgeted for reimbursing state department.

The board of county commissioners shall not have the right to make any transfer from the amounts budgeted for reimbursing the state department without having first obtained a statement in writing from the state administrator of public welfare to the effect that the amount to be transferred will not be required during the fiscal year for the purposes for which the amounts were provided in the budget.

Restriction as to use of county poor fund.

No part of *the county poor* fund, *irrespective of the source of any part thereof,* shall be used directly or indirectly for the erection or improvement of any county building, so long as the fund is needed for general relief expenditures by the county, or is needed for paying the county's proportionate share of old age assistance, aid to needy dependent children, aid to needy blind, or its proportionate share of any other welfare activity that may be carried on jointly by the State and the county."

Sub-Sec. (a) of Sec. II of Part II of Chap. 82, Laws of 1937, further amended.

Section 4. That Subsection (a) of Section II of Part II of Chapter 82, Session Laws 1937, as amended by Section 11 of Chapter 129 of the 1939 Session Laws, be, and it is hereby amended to read as follows:

Eligibility requirements for general relief.

"(a) **Eligibility Requirements for General Relief.** An applicant to be eligible for general relief, hereafter entering the State, must have resided in the State of Montana for a period of *three (3) years, one (1) year* or more of which must be in the county where he makes application for relief. When a person has gained residence in a county making him eligible for general relief, he shall retain this residence until residence has been gained in some other county in the State; and such new residence shall only be gained by living continuously in such county for *one (1) year* or longer. If a person is absent from the State voluntarily and continuously for a period of one (1)

Residence.

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year or more, he shall thereby be ineligible for general relief in the State of Montana."

Section 5. That Section VI of Part II of Chapter 82, Session Laws 1937, as amended by Section 15 of Chapter 129 of the 1939 Session Laws, be, and it is hereby amended to read as follows:

"Section VI. **Medical Aid and Hospitalization.**

Medical aid and services and hospitalization for persons unable to provide such necessities for themselves are hereby declared to be the legal and financial duty and responsibility of the board of county commissioners, payable from the county poor fund. It shall be the duty of the board of county commissioners to make provisions for competent and skilled medical or surgical services as approved by the state board of health or the state medical association, or in the case of osteopathic practitioners by the state osteopathic association or chiropractors by the state chiropractic association, or optometrical services as approved by the Montana optometric association, and dental services as approved by the dental association. "Medical" or "medicine" as used in this act refers to the healing art as practiced by licensed practitioners.

Medical aid and hospitalization.

It is provided, however, that the cost of medical aid and services and of temporary hospitalization for recipients of old age assistance, of aid to dependent children and of aid to needy blind may be added to each one of these forms of assistance so long as the total monthly grant to any person does not exceed the amount in which the federal government will participate; and provided further, that necessary expenditures for these purposes, in excess of the amounts in which the federal government will participate, shall be paid from the county poor fund."

Cost of medical aid, services and temporary hospitalization.

Section 6. That Section VII of Part II of Chapter 82, Session Laws 1937, be, and it is hereby amended to read as follows:

Sec. VII of Part II of Chap. 82, Laws of 1937 amended.

"Section VII. **Primary Obligations of the Board of County Commissioners.** It is hereby declared to be the primary legal duty and financial obligation of the board of county commissioners to make such tax levies and to establish such budgets in the county poor fund as provided by law and as are necessary to provide adequate institutional care for all such indigent residents as are in

Primary duty of board of county commissioners

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need of institutional care and to make such tax levies and establish such budgets in the county poor fund as are necessary to make provision for medical aid and services and hospitalization for all indigent county residents. All such public assistance and services shall be charges against and payable from the county poor fund.

Cost of medical aid, services and temporary hospitalization.

It is provided, however, that the cost of medical aid and services and of temporary hospitalization for recipients of old age assistance, of aid to dependent children and of aid to needy blind may be added to each one of these forms of assistance so long as the total monthly grant to any person does not exceed the amount in which the federal government will participate; and provided, further, that necessary expenditures for these purposes, in excess of the amounts in which the federal government will participate, shall be paid from the county poor fund."

Sec. IX of Part II of Chap. 82, Laws of 1937, further amended.

Section 7. That Section IX of Part II of Chapter 82, Session Laws 1937, as amended by Section 14, Chapter 129 of the 1939 Session Laws, be, and it is hereby amended to read as follows:

Grants from state funds to counties.

"Section IX. **Grants From State Funds to Counties.**

If the whole of a six (6) mill levy together with the whole of the per capita tax authorized by said Section 4465.4, Revised Codes of 1935, and the income to the county poor fund from all other sources shall prove inadequate to pay for the general relief in the county actually necessary and to meet the county's proportionate share of old age assistance, aid to needy dependent children, aid to needy blind and its proportionate share of any other welfare activity that may be carried on jointly by the State and the county; and if warrants upon the county poor fund can no longer lawfully be issued to meet these charges; and if the board of county commissioners is unable to declare an emergency for the purpose of providing additional funds or to provide additional funds from any other source; and if the county has in all respects expended the county poor fund only for lawful purposes; and if all of these conditions actually exist in any county of the State, then the state department of public welfare shall, insofar as it has funds available, come to the assistance of such county, in the following manner:

(a) When the county in question has submitted proof to the state board of public welfare through such reports

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as it may require and through other evidence that may be deemed necessary, that these conditions exist, then the state board may authorize the state administrator to issue a check to the county treasurer of the county for general relief purposes, and the county department of public welfare shall make the disbursements of these state funds for general relief purposes within the county. These grants-in-aid from the state department may be used for any relief activity lawfully conducted by the county, including medical aid, hospitalization and institutional care; but no part thereof may be used, directly or indirectly, to pay for the erection or improvement of any county building or for furniture, fixtures, appliances or equipment for any such building.

Use of grants-in-aid.

Immediately upon receiving notice that such grant-in-aid has been made by the state department, it shall be the duty of the board of county commissioners to adopt an emergency budget in accordance with the provisions of Section 4613.6 but without being required to publish any notice of intention to adopt such emergency budget or to hold a hearing thereon. This emergency budget shall appropriate the whole amount of the general relief grant from the state department for the various classes of expenditures from the poor fund for which the grant-in-aid was made by the state department. The money received through such general relief grant from the state department shall be placed in a special poor fund account kept separate and distinct from the poor fund accounts arising under the original poor fund budget, and all expenditures from this special poor fund account shall be made by a separate series of warrants or checks."

County commissioners to adopt an emergency budget.

Section 8. That Section IV of Part V of Chapter 82, Session Laws 1937, be, and it is hereby amended to read as follows:

Sec. IV of Part V of Chap. 82, Laws of 1937, amended.

"Section IV. **Amount of Assistance.** The amount of assistance granted any blind person shall, subject to the regulations and standards of the state department, be determined by the county department with due regard to the resources and necessary expenditures of the individual and the conditions existing in each case and shall be sufficient, when added to all other income and support of the recipient, to provide such person with a reasonable subsistence compatible with decency and health, except that the amount of such assistance shall not exceed the sum of

Amount of assistance.

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forty ($40.00) dollars for any one (1) month. The state department may, *however,* authorize grants or supplementary grants from state funds to be used in supplementary services such as the prevention or treatment of blindness."

Sub-Sec. (h) of Sec. IV of Part VI of Chap. 82, Laws of 1937, amended.

Section 9. That Subsection (h) of Section IV of Part VI of Chapter 82, Session Laws 1937, be, and it is hereby amended to read as follows:

"(h) *Inspect, license and supervise public and private infants' homes, child carrying and child placing institutions and agencies.*"

Repealing clause.

Section 10. That Subsection (a) of Section IV of Part VI of Chapter 82, Session Laws 1937, be, and it is hereby repealed.

Repealing clause.

Section 11. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date

Section 12. This act shall be in full force and effect from and after its passage and approval.

Approved March 11, 1941.

CHAPTER 118

An Act to Declare Valid and Legal the Creation and Establishment of Housing Authorities in the State of Montana Under the Provisions of the Housing Authorities Law, and All Contracts, Bonds, Notes, Agreements, Obligations and Undertakings of Such Housing Authorities, and All Proceedings, Acts and Things Heretofore Undertaken, Performed or Done With Reference Thereto.

Be it enacted by the Legislative Assembly of the State of Montana:

Creation and proceedings of housing authorities validated

Section 1. The creation and establishment of housing authorities in the State of Montana under the provisions of the housing authorities law (Chapter 404 of the Revised Codes of Montana of 1935 and any amendments thereto), together with all proceedings, acts and things heretofore undertaken, performed or done with reference thereto, are hereby validated, ratified, confirmed, approved and declared legal in all respects, notwithstanding any defect or irregularity therein or any want of statutory authority.

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Section 2. All contracts, agreements, obligations and undertakings of such housing authorities heretofore entered into relating to financing or aiding in the development, construction, maintenance or operation of any housing project or projects or to obtaining aid therefor from the United States housing authority, including (without limiting the generality of the foregoing) loan and annual contributions contracts with the United States housing authority, agreements with municipalities or other public bodies (including those which are pledged or authorized to be pledged for the protection of the holders of any notes or bonds issued by such housing authorities or which are otherwise made a part of the contract with such holders of notes or bonds) relating to cooperation and contributions in aid of housing projects, payments (if any) in lieu of taxes, furnishing of municipal services and facilities, and the elimination of unsafe and insanitary dwellings, and contracts for the construction of housing projects, together with all proceedings, acts and things heretofore undertaken, performed or done with reference thereto, are hereby validated, ratified, confirmed, approved and declared legal in all respects, notwithstanding any defect or irregularity therein or any want of statutory authority.

Contracts and obligations of housing authorities validated.

Section 3. All proceedings, acts and things heretofore undertaken, performed or done in or for the authorization, issuance, execution and delivery of notes and bonds by housing authorities for the purpose of financing or aiding in the development or construction of a housing project or projects, and all notes and bonds heretofore issued by housing authorities are hereby validated, ratified, confirmed, approved and declared legal in all respects, notwithstanding any defect or irregularity therein or any want of statutory authority.

Notes and bonds validated.

Section 4. This act shall be in full force and effect from and after its passage and approval.

Effective date.

Approved March 11, 1941.

CHAPTER 119

An Act authorizing an Indebtedness of the State of Montana of Six Hundred Ninety Thousand Dollars ($690,000.00) in Excess of the Constitutional Debt Limitation

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and Over and Above Existing Bonded Indebtedness for Which the State Is Now Obligated, for the Construction, Repair, Remodeling and Equipping of Necessary Buildings at Montana State College at Bozeman, Montana; Authorizing the issuance and Sale of Bonds in the Name of the State as Evidence of Such Indebtedness, Prescribing the Form of Such Bonds and Providing for an Annual Tax Sufficient to Pay the Principal Thereof and the Interest Accruing Thereon, and for a Referendum Hereof.

Be it enacted by the Legislative Assembly of the State of Montana:

Indebtedness and bond issue for buildings at Montana state college authorized.

Section 1. An indebtedness of the State of Montana is hereby authorized and created in the amount and for the purpose herein specified, and as evidence of such indebtedness, the state board of examiners of the State of Montana is hereby authorized, empowered and directed to issue bonds in the name of the State of Montana, in a sum not to exceed six hundred ninety thousand dollars ($690,000.00) in excess of the constitutional limitation of indebtedness and over and above any bonded indebtedness heretofore incurred or created and for which the State of Montana is now obligated, the money derived from the sale of said bonds to be used for the purpose of constructing, repairing, remodeling and equipping necessary buildings at the Montana state college at Bozeman, Montana.

Issuance of bonds in series at one time or from time to time.

Section 2. Such bonds shall be issued in series at one time or from time to time by the state board of examiners, *and at such times and in such amounts as may appear to said board of examiners, in the exercise of its judgment and discretion to be for the best interest of the State and necessary for the construction, repair, remodeling, and equipment of necessary buildings at the Montana state college at Bozeman, Montana.*

Denominations of bonds.

Section 3. Each series of bonds provided for in this act shall be issued in such denominations as may be determined by the state board of examiners at the time same are authorized to be issued under the provisions of this act, and shall bear date as of the date of issuance thereof. Said bonds shall become due and payable serially over a period of not to exceed twenty (20) years from the date of issuance and shall bear interest at the rate not to exceed four per centum (4%) per annum, payable semi-annually, on such dates as may be determined and fixed by

Maturity.

Interest rate.

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the State of Montana; provided, however, that for such series of said bonds issued after the issuance of a first series thereof, the board of examiners shall so fix the interest paying dates that the interest thereon will become due and payable on the same date as the interest on the first series of bonds which become due and payable, and in order so to do, the state board of examiners may provide that the first interest shall be due and payable at a date less than six (6) months after the date of issuance of such series.

Form of bonds.

Section 4. The board of examiners shall prescribe the form of such bonds and the bonds of each series shall bear upon their face the words "Montana state college educational bonds of the State of Montana", with a letter or figure to designate the series thereon, and shall be signed by the members of the state board of examiners, and the great seal of the State of Montana shall be affixed to each bond and the bonds shall be registered in the office of the state treasurer. Said bonds shall have interest coupons attached thereto covering the interest due semi-annually, which coupons shall be executed with facsimile signatures of all of the members of the state board of examiners and the signing of said coupons with said facsimile signatures shall be recognized as sufficient execution of said coupons on behalf of the State of Montana.

Interest coupons.

Disposition of bonds.

Section 5. The bonds provided for in this act shall be disposed of by the state board of examiners in such manner as they shall deem for the best interests of the State in carrying out the provisions of this act; provided, that no bond shall be disposed of for less than its par value.

Disposition of bond proceeds.

Section 6. All moneys derived from the issuance and sale of the bonds authorized by this act shall be paid into the state treasury and shall constitute a special fund for the construction, repair, remodeling and equipping of necessary buildings at the Montana state college at Bozeman, Montana, and shall be expended only for said purpose and shall be disbursed by the state treasurer on warrants properly drawn against such fund by the state auditor, pursuant to the orders of the state board of examiners.

Ad valorem tax levy.

Section 7. That there shall be and there is hereby levied annually upon all property in the State of Montana subject to taxation, an ad valorem tax of one fourth (¼) of

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one mill on each dollar of the taxable value of such property. Said tax, when collected by the county treasurers of the several counties of the State shall be by them accounted to and paid into the state treasury of the State of Montana and placed in the "Montana state college educational bond sinking and interest fund", which fund shall be used exclusively for the payment of interest and principal of said bonds as the same come due.

Referendum on this act required.

Section 8. There shall be a referendum on this act and the secretary of state of the State of Montana is hereby required and it is made his duty to submit this act to the voters of the State of Montana for their approval or rejection at the general election to be held in November, 1942, in accordance with the provisions of the constitution and the laws of Montana relative thereto. The title and number of this referendum act shall be printed on the official ballot used at said election and below the title shall be printed the words:

Official ballot.

☐ FOR THE BOND ISSUE FOR MONTANA STATE COLLEGE EDUCATIONAL BONDS.

☐ AGAINST THE BOND ISSUE FOR MONTANA STATE COLLEGE EDUCATIONAL BONDS.

Each elector shall designate his preference by marking an "X" in the square before the proposition for which such elector desires to vote. The votes cast for and against the law above proposed shall be counted, returned, and canvassed, and the results shall be determined and declared in the manner provided by the general election laws of the State.

Costs payable from bond proceeds.

Section 9. The cost of the bonds issued under this act, fees, commissions and compensation of the architect employed in the construction and to prepare plans shall be paid out of the proceeds of the bonds.

Severability of act.

Section 10. If any parts of this act shall be declared by any court of competent jurisdiction to be unconstitutional such unconstitutionality shall not affect the validity of the remaining parts of this act.

Effective date.

Section 11. Subject to the referendum provisions herein contained, this act shall be in full force and effect from and after its passage and approval.

Approved March 11, 1941.

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CHAPTER 120

An Act Authorizing an Indebtedness of the State of Montana of Three Hundred Fifty Thousand Dollars in Excess of the Constitutional Debt Limitation and Over and Above Existing Bonded Indebtedness for Which the State Is Now Obligated, for the Construction and Equipment of Necessary Buildings at Northern Montana College at Havre, Montana; Authorizing the Issuance and Sale of Bonds in the Name of the State as Evidence of Such Indebtedness Prescribing the Form of Such Bonds and Providing for an Annual Tax Sufficient to Pay the Principal Thereof and the Interest Accruing Thereon, and for a Referendum Hereof.

Be it enacted by the Legislative Assembly of the State of Montana.

Indebtedness and bond issue for buildings and equipment at northern Montana college authorized.

Section 1. An indebtedness of the State of Montana is hereby authorized and created in the amount and for the purpose herein specified, and as evidence of such indebtedness, the state board of examiners of the State of Montana is hereby authorized, empowered and directed to issue bonds in the name of the State of Montana, in a sum not to exceed three hundred fifty thousand dollars ($350,000.00) in excess of the constitutional limitation of indebtedness and over and above any bonded indebtedness heretofore incurred or created and for which the State of Montana is now obligated, the money derived from the sale of said bonds to be used for the purpose of constructing and equipping necessary buildings at the northern Montana college at Havre, Montana.

Issuance of bonds in series at one time or from time to time.

Section 2. Such bonds shall be issued in series at one time or from time to time by the state board of examiners, *and at such times and in such amounts as may appear to said board of examiners, in the exercise of its judgment and discretion to be for the best interest of the State and necessary for the construction and equipment of necessary buildings at the northern Montana college at Havre, Montana.*

Denominations of bonds.

Section 3. Each series of bonds provided for in this act shall be issued in such denominations as may be determined by the state board of examiners at the time same are authorized to be issued under the provisions of this act, and shall bear date as of the date of issuance thereof.

Maturity.

Said bonds shall become due and payable serially over a

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period of not to exceed twenty (20) years from the date of issuance and shall bear interest at the rate not to exceed four per centum (4%) per annum, payable semi-annually, on such dates as may be determined and fixed by the State of Montana; provided, however, that for each series of said bonds issued after the issuance of a first series thereof, the board of examiners shall so fix the interest paying dates that the interest thereon will become due and payable on the same date as the interest on the first series of bonds which become due and payable, and in order so to do, the state board of examiners may provide that the first interest shall be due and payable at a date less than six (6) months after the date of issuance of such series.

Interest rate.

Section 4. The board of examiners shall prescribe the form of such bonds and the bonds of each series shall bear upon their face the words "northern Montana college educational bonds of the State of Montana", with a letter or figure to designate the series thereon, and shall be signed by the members of the state board of examiners, and the great seal of the State of Montana shall be affixed to each bond and the bonds shall be registered in the office of the state treasurer. Said bonds shall have interest coupons attached thereto covering the interest due semi-annually which coupons shall be executed with facsimile signatures of all the members of the state board of examiners and the signing of said coupons with said facsimile signatures shall be recognized as sufficient execution of said coupons on behalf of the State of Montana.

Form of bonds.

Interest coupons.

Section 5. The bonds provided for in this act shall be disposed of by the state board of examiners in such manner as they shall deem for the best interests of the State in carrying out the provisions of this act; provided, that no bond shall be disposed of for less than its par value.

Disposition of bonds.

Section 6. All moneys derived from the issuance and sale of the bonds authorized by this act shall be paid into the state treasury, and shall constitute a special fund for the construction and equipment of necessary buildings at the northern Montana college, at Havre, Montana, and shall be expended only for such purpose, and shall be disbursed by the state treasurer on warrants properly drawn against such fund by the state auditor pursuant to the orders of the state board of examiners.

Disposition of bond proceeds.

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Section 7. That there shall be and there is hereby levied annually, upon all the property in the state of Montana subject to taxation, an ad valorem tax of one fourth of one mill, on each dollar of the taxable value of said property. Said tax, when collected by the county treasurers of the several counties of the State shall be by them accounted to and paid into the state treasury of the State of Montana and placed in the "northern Montana college educational bond sinking and interest fund" which fund shall be used exclusively for the payment of the interest and principal of said bonds as the same come due.

Ad valorem tax levy.

Section 8. There shall be a referendum on this act and the secretary of the State of Montana is hereby required, and it is made his duty to submit this act to the voters of the State of Montana for their approval or rejection at the general election to be held in November, 1942, in accordance with the provisions of the constitution and the laws of Montana relative thereto. The title and number of this referendum act shall be printed on the official ballot used at said election and below the title shall be printed the words:

Referendum on this act required.

☐ FOR THE BOND ISSUE FOR NORTHERN MONTANA COLLEGE EDUCATIONAL BONDS

☐ AGAINST THE BOND ISSUE FOR NORTHERN MONTANA COLLEGE EDUCATIONAL BONDS

Official ballot.

Each elector shall designate his preference by marking an "X" in the square before the proposition for which such elector desires to vote. The votes cast for and against the law proposed shall be counted, returned, and canvassed, and the results shall be determined and declared in the manner provided by the general election laws of the State.

Section 9. The cost of the bonds issued under this act, fees, commissions and compensation of the architect employed in the construction and to prepare plans shall be paid out of the proceeds of the bonds.

Costs payable from bond proceedings.

Section 10. If any parts of this act shall be declared by any court of competent jurisdiction to be unconstitutional such unconstitutionality shall not affect the validity of the remaining parts of this act.

Severability of act.

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Effective date.

Section 11. Subject to the referendum provisions herein contained, this act shall be in full force and effect from and after its passage and approval.

Approved March 11, 1941.

CHAPTER 121

An Act to Amend Sections 4884, 4884.1 and 4885, Revised Codes of Montana, 1935, and Section 4916 of the Revised Codes of Montana as Amended by Chapter 139 of the Laws of 1937, Relating to Mileage for Members of the Legislative Assembly, State Officers, County Officers, Township Officers, Jurors, Witnesses, County Agents, Sheriffs, and All Other Persons.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 4884 Rev. Codes amended.

Section 1. That Section 4884, Revised Codes of Montana, 1935, be amended to read as follows:

Mileage of all officers.

"Section 4884. **Mileage of All Officers.** Members of the legislative assembly, state officers, county officers, township officers, jurors, witnesses, county agents and all other persons, except sheriffs who may be entitled to mileage shall be entitled to collect mileage at a rate of not to exceed *five cents (5c)* per mile for the distance actually traveled, and no more."

Sec. 4884.1 Rev. Codes amended.

Section 2. That Section 4884.1, Revised Codes of Montana, 1935, be amended to read as follows:

Liability of approving board for amount in excess of legal mileage

"Section 4884.1. **Same—Liability of Approving Board for Exceeding Authorized Amount—Use of Railroad When Suitably Required.** Whenever it shall be necessary for any state or county officer to use his own automobile in the performance of any official duty where traveling expense is allowed by law, such officer except sheriffs shall receive not to exceed *five cents (5c)* per mile for each mile necessarily traveled unless otherwise specifically provided by law and the members of any lawful approving board shall be liable upon their official bonds, for any claim which they may allow in excess of such amount. Provided, further, that in no case shall an automobile be used as herein provided if suitable transportation can be had by railroad."

Railroad to be used when suitable

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Sec. 4885 Rev. Codes amended.

Section 3. That Section 4885, Revised Codes of Montana, 1935, be amended to read as follows:

Mileage and expense of sheriffs.

"Section 4885. **Mileage and Expense of Sheriff.** Sheriffs delivering prisoners at the state prison or at the state reform school, or insane persons at the state insane asylum, shall receive actual expenses necessarily incurred in their transportation, which shall include the expenses of the sheriff in going and returning from such institution. They shall take vouchers for every item of expenses incurred by them in such transportation, the amount of which expenses, as shown by the said vouchers when served by said sheriff, shall be audited and allowed by the state board of examiners or by the board of county commissioners, as the case may be, and paid out of the same money and in the same manner as are other expense claims against the State or counties, and no other or further compensation shall be received by sheriffs for such expenses. While in the discharge of his duties, both civil and criminal, except as hereinbefore provided, the sheriff shall receive *seven cents (7c)* per mile for each and every mile actually and necessarily traveled; and for transporting any person by order of court, except as hereinbefore provided, he shall receive *seven cents (7c)* additional per mile, the same to be in full for transporting and dieting of such person during such transportation; *provided that where more than one or more persons are transported by the sheriff or when one or more papers are served on the same trip made for the transportation of one or more prisoners, but one mileage shall be charged.* The county shall not be liable for nor shall the board of county commissioners pay for any claim of the sheriff or other officer, for team or horse hire, or any other expense incurred in travel or for subsistence, in cases where mileage is allowed under this Section; the fees for mileage named in this Section being in full for all such traveling expenses in both civil and criminal work."

Sec. 4916 Rev. Codes amended.

Section 4. That Section 4916 of the Revised Codes of Montana, 1935, as amended by Chapter 139 of the laws of 1937, be amended to read as follows:

Fees of sheriff

"Section 4916. **Fees of Sheriff.** For the service of summons and complaint on each defendant, one dollar ($1.00);

For levying and serving each writ of attachment of execution on real or personal property, one dollar ($1.00);

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For service of attachment on the body or order of arrest on each defendant, one dollar ($1.00);

For the service of affidavit, order, and undertaking in claim and delivery, one dollar ($1.00);

For serving a subpoena, twenty-five cents (25c) for each witness summoned;

For serving writ of possession or restitution, two dollars ($2.00);

For trial of the right of property or damages, including all services except mileage, three dollars ($3.00);

For taking bond or undertaking in any case authorized by law, one dollar ($1.00);

For serving every notice, rule or order, one dollar ($1.00), for each person served;

For copy of any writ, process or other paper when demanded or required by law, twenty cents (20c) for each folio;

For advertising any property for sale on execution or under any judgment or order of sale, exclusive of cost of publication, one dollar ($1.00);

Expense in taking and keeping possession of property under attachment

For the expense in taking and keeping possession of and preserving property under attachment, execution or other process, such sum as the court or judge may order, not to exceed the actual expense incurred, and no keeper must receive to exceed two dollars and fifty cents ($2.50) per day and no keeper must be employed without an order of court, nor must he be so employed unless the property is of such character as to need the personal attention and supervision of a keeper. No property shall be placed in charge of a keeper if it can be safely and securely stored, or where there is no reasonable danger of loss.

Mileage, in addition to fees.

In addition to the fees above specified, the sheriff shall receive for each mile actually traveled, in serving any writ, process, order or other paper, including a warrant of arrest, or in conveying a person under arrest before a magistrate or to jail, only his actual expenses when such travel is made by railroad, and when travel is other than by railroad he shall receive *seven cents (7c)* per mile for each mile actually traveled by him both going and returning, and the actual expenses incurred by him in conveying a person under arrest before a magistrate or to jail, and he shall receive the same mileage and his actual expenses

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for the person conveyed or transported under order of court within the county, the same to be in full payment for transporting and dieting such persons during such transportation; provided that where more than one or more persons are transported by the sheriff or when one or more papers are served on the same trip made for the transportation of one or more prisoners, but one mileage shall be charged.

Exception delivery of prisoners

Provided further, that this act shall not apply to the delivery of prisoners at the state prison or at the reform school, or insane persons to the state insane asylum, for which he shall receive the actual expense incurred as provided by Section 4885 of this code. Nor shall this act apply to trips made for the return of fugitives apprehended and arrested outside the county for which the sheriff shall receive the actual necessary expenses incurred in going for and returning with such fugitive. But no mileage must be allowed on an attachment, order of arrest, order for delivery of personal property, or any other order, notice or paper, when the same accompanies the summons, and the service thereof may be made at the time of the service of the summons, unless for the distance actually traveled beyond that required to serve the summons. When two or more papers are served on the same person at the same time, or when any paper or papers are served on more than one person on the same trip, but one mileage must be allowed or charged, and in the service of subpoenas, but one mileage must be charged when the persons named therein live in the same place or in the same direction, but mileage must be charged for the longest distance actually traveled. Any writ, order or other paper for service, must be received at any place in the county where a sheriff or a deputy is found, and mileage must be computed from such place, but if papers are delivered for service away from the county seat, all necessary copies thereof must be furnished for service. When two or more officers travel in the same automobile in the discharge of any duty but one mileage shall be allowed."

Only one mileage allowed in certain cases.

Section 5. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause

Section 6. This act shall be in full force and effect from and after its passage and approval.

Effective date.

Approved March 11, 1941.

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CHAPTER 122

An Act Relating to Sites and Buildings Suitable for Armory Purposes and the Leasing Thereof by the State of Montana and by Counties and Other Political Subdivisions and Municipalities.

Be it enacted by the Legislative Assembly of the State of Montana:

Adjutant general authorized.

Section 1. The adjutant general of the State of Montana, in behalf of the State, is hereby authorized:

To determine municipalities wherein an armory may be needed.

(a) To determine the municipalities wherein there is or may be a need of buildings and sites suitable for leasing by the State for armory or military purposes and to certify such determinations from time to time to Montana armory board;

To pass upon sites, plans and contracts.

(b) To pass upon the location of sites for such buildings selected by Montana armory board and to pass upon plans, specifications, estimates, and contracts for such buildings, and to determine their suitability and adequacy for lease and use by the State for armory or military purposes, and to certify to said board his approval thereof or suggestions for changes therein;

To lease sites and buildings from armory board.

(c) To lease from Montana armory board any sites and buildings, then constructed or being constructed, suitable for use by the State of Montana for armory or other military purposes for such terms of years and at such rentals and under such covenants and reservations as may be agreed upon between him and said board; provided, however, that each such lease shall stipulate (1) that the State shall have the right to use all or any part of the leased building and site whenever and to the extent needed for armory or other military purposes; and (2) that no obligation to pay the rents therein agreed upon shall be binding upon or enforceable against the State except when and to the extent that moneys shall be duly appropriated for such purpose; and (3) that when all bonded and other debts of the board secured by the sites and buildings or by the income therefrom shall have been paid, all such sites and buildings shall be donated and conveyed to the State of Montana.

Section 2. The Montana armory board and the adjutant general shall submit to the state board of examiners

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any such lease made or about to be made between them in accordance with Section 1 hereof and, if so submitted, it shall be the duty of such board of examiners to examine, consider, and act upon the same and, if they find such lease fair and reasonable, they shall approve the same by resolution duly entered in their minutes, a copy of which shall be certified to the adjutant general and a copy certified to the Montana armory board. The adjutant general and the Montana armory board, or their respective representatives, shall be entitled to be heard by the board of examiners in reference to any lease so submitted.

Lease to be submitted to board of examiners for approval.

Section 3. Any county or other political subdivision or municipality of the State of Montana wherein, (or in the vicinity of a municipality), any such building has been or is about to be constructed may, by and through its duly constituted authorities, enter into a lease of such building and the site thereof, or any part of such building or site, for use by the county or subdivision or municipality for non-military purposes, subject to the rights of the State of Montana to use such building and site for armory and military purposes, and subject to the provisions of Section 1 hereof and of Chapter 161 laws of 1939, as amended, as to the donation and conveyance of such site and building to the State of Montana, which lease may otherwise be for such period of time, upon such terms and at such rentals and for such purposes as may be agreed upon between the county commissioners or other governing body and the Montana armory board, and the commissioners or other governing body shall have the power to appropriate moneys out of funds for the payment of rents agreed upon.

Lease of building of site to political subdivision for non-military purposes.

Section 4. The rights, powers, and duties granted to and imposed upon the adjutant general, the state board of examiners, the counties and other political subdivisions and municipalities, and their governing bodies, by this act shall be additional to all rights, powers, and duties otherwise existing in any thereof.

Rights, powers and duties herein granted in addition to existing rights, powers and duties.

Section 5. That the provisions of Section 4, shall pertain to such contracts notwithstanding any limitations or restrictions imposed by any other statute, and particularly Section 5070, Revised Codes of Montana, 1935, as amended by Chapter 18 of the laws of 1939.

Section 4 hereof not restricted by other statutes.

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Repealing clause.

Section 6. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 7. This act shall be in full force and effect from and after its passage and approval.

Approved March 11, 1941.

CHAPTER 123

An Act to Amend Section 1 of Chapter 161 of the Laws of 1939 Relating to the Montana Armory Board, Increasing the Membership of the Montana Armory Board to Seven Members, and Amending Section 3 Thereof Providing That Four Members of Said Board Shall Constitute a Quorum at All Meetings and Amending Section 4 Thereof, to Designate to Whom Leases Shall Be Made and by Whom and for What Purpose.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 1 of Chap 161 Laws of 1939 amended

Section 1. That Section 1 of Chapter 161, session laws of 1939, be, and the same is hereby amended to read as follows:

Montana armory board created—members

"Section 1. For the purposes herein provided there is created the Montana armory board, to consist of *seven (7)* members appointed by the governor, one (1) of whom shall be designated by the governor as chairman of said board. *The present five (5) members constituting the Montana armory board shall continue in office at the pleasure of the governor; and the governor shall appoint two (2) additional members upon the passage and approval of this act.* Any vacancy in said board shall be filled by appointment *by the governor.*"

Sec. 3 of Chap 161 Laws of 1939 amended

Section 2. That Section 3 of Chapter 161, session laws of 1939, be, and the same is hereby amended to read as follows:

Officers, quorum, meetings

"Section 3. The board shall organize by selecting from its membership a secretary and treasurer, and said board may change such officers from time to time. *Four (4)* members shall constitute a quorum at all meetings, provided all members have been notified of such meetings. The board shall hold its first meeting on the first Tuesday

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in April, 1939, and thereafter all meetings shall be held as provided by the by-laws of the board."

Section 3. That Section 4 of Chapter 161, session laws of 1939, be, and the same is hereby amended to read as follows:

Sec. 4 of Chap. 161 Laws of 1939 amended.

"Section 4. The Montana armory board shall possess all the powers as a body corporate necessary and convenient to accomplish the objects and purposes prescribed by this act, including the following, which, however, shall not be construed as a limitation upon the general powers hereby conferred:

Powers of board.

"(a) To enter into contracts and be contracted within any matter connected with any corporate purpose, herein defined.

To contract.

"(b) To borrow money and issue bonds, and to pledge any and all property and income of such board acquired or received as herein provided, to secure the payment of such bonds, and to redeem such bonds, *and for such purposes to make and enter into an indenture or indentures with a trustee for the purpose of securing bonds issued by the board, which indentures may contain such covenants, stipulations, and agreements in reference to the bonds and the security therefor and the operations of the board as may be found necessary or desirable to make such bonds binding and marketable obligations of the board as a body politic and corporate.*

To borrow money.

"(c) To sue and be sued.

"(d) To acquire, hold and convey real or personal property by gift or purchase for armory purposes.

"(e) To donate such property to the State of Montana if and when all debts which have been secured by such property or by the income thereof, have been paid.

"(f) To purchase sites and buildings or to purchase sites and construct buildings for armory purposes, provided that the board of county commissioners of the county wherein said site or building is to be purchased or a building constructed, shall give their written approval of said purchase or construction.

To purchase sites and buildings.

"(g) *To execute leases of any such buildings, now constructed or being constructed or hereafter constructed and sites for such terms and at such rentals and with such*

To lease buildings—to whom.

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covenants and reservations as may be agreed upon, subject to the limiations and provisions herein stated. Such leases may be made to the State of Montana, represented by the adjutant general or other authorized representative of the State, for armory and other military purposes, which leases are herein called "primary" leases. Each primary lease shall provide (1) that the State shall have the right to use all or any part of the leased building and site whenever and to the extent needed for armory or other military purposes, and (2) that no obligation to pay the rents therein agreed upon shall be binding upon or enforceable against the State except when and to the extent that moneys shall be duly appropriated for such purposes, and (3) that, when all bonded and other debts of the board incurred by the sites and buildings acquired by it under this act or by the income therefrom shall have been paid, all such sites and buildings shall be donated and conveyed to the State of Montana. All other leases of any such sites and buildings, or parts thereof, are herein called "secondary" leases. Secondary leases may be made to the United States of America, for military or non-military purposes, and to the State of Montana or any county or political subdivision or municipality of the State of Montana or to any private parties, for non-military purposes. Each secondary lease shall be subject to the rights of use for military and armory purposes under any primary lease of such site and building theretofore made or thereafter to be made.

"Primary" leases.

"Secondary" leases.

"(h) To employ agents and employees necessary to carry out the objects and purposes of the board as herein expressed.

"(i) To have and use a common seal and to alter the same at pleasure.

"(j) To adopt all needful by-laws, rules and regulations for the conduct of the business and affairs of such board and for the management and use of such sites and buildings acquired for armory purposes, consistent with the objects and purposes of such board.

To adopt by-laws.

"(k) To have and to exercise all powers and be subject to all duties usually incident to board of directors of corporations."

Section 4. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

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Section 5. This act shall be in full force and effect from and after its passage and approval. Effective date.

Approved March 11, 1941.

CHAPTER 124

An Act to Amend Section 11048.1 of the Revised Codes of Montana, 1935, Relating to the Penalty for the Sale, or Giving Away, or Disposing of Intoxicating Liquors to *Any Person Under the Age of Twenty-one Years*, and Repealing All Acts and Parts of Acts in Conflict Therewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 11048.1 of the Revised Codes of the State of Montana of 1935, be, and the same is hereby amended to read as follows: Sec. 11048.1 Rev. Codes amended.

"Section 11048.1. **Penalty for Giving or Selling Intoxicating Liquors to** *Any Person Under the Age of Twenty-one (21) Years.* Any person who shall sell, give away or dispose of intoxicating liquors to *any person under the age of twenty-one (21) years*, shall be guilty of a misdemeanor, and for the first offense, be punishable by a fine of not less than two hundred and fifty dollars ($250.00), nor more than five hundred dollars ($500.00) and by imprisonment for not less than six (6) months nor more than one (1) year in the county jail, and for the second and subsequent offenses, he shall be guilty of a felony and punishable by a fine of not less than five hundred dollars ($500.00), nor more than two thousand dollars ($2,000.00), and by imprisonment in the state penitentiary for not less than one (1) year, nor more than two (2) years. Nothing herein contained shall prohibit the furnishing of intoxicating liquors to *any person under the age of twenty-one (21) years* upon any physician's prescription where authorized by the law nor the furnishing of wine for sacramental purposes." Penalty for giving or selling intoxicating liquors to any person under the age of 21 years. Exception—physicians prescription.

Section 2. That all acts or parts of acts in conflict therewith are hereby repealed. Repealing clause.

Section 3. This act shall be in full force and effect from and after the date of passage and approval. Effective date.

Approved March 11, 1941.

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CHAPTER 125

An Act to Amend Section 12090, of the Revised Codes of Montana, 1935, Relating to the Duty of the Sheriff on Judgments of Imprisonments.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 12090 Rev. Codes amended.

Section 1. That Section 12090 of the Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

Judgment of imprisonment —duty of sheriff.

"Section 12090. **Judgment of Imprisonment—Duty of Sheriff.** If the judgment is for imprisonment in the state prison, the sheriff of the county must, upon receipt of a certified copy thereof, take and deliver the defendant to the warden of the state prison. He must also deliver to the warden a certified copy of the judgment, *a certified copy of the information or indictment,* and take from the warden a receipt for the defendant."

Effective date.

Section 2. This act shall be in full force and effect from and after the date of its passage and approval.

Approved March 11, 1941.

CHAPTER 126

An Act to Transfer the Division of Services for Crippled Children From the State Department of Public Welfare to the State Board of Health and Prescribing Its powers and Duties and Defining the Nature of Such Services and the Authority of the State Board of Health With Reference Thereto.

Be it enacted by the Legislative Assembly of the State of Montana:

Services for crippled children transferred to the state board of health.

Section 1. **Services for Crippled Children Transferred to the State Board of Health; Powers and Duties.** Effective July 1, 1941, all the powers and duties of the state department of public welfare under Chapter 82 of the 1937 session laws, as amended, with regard to services for crippled children, are hereby transferred to the state board of health. There shall be designated and organized under the state board of health a division to be known as

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the "division of services for crippled children" to have charge of the program. It shall be the purpose of this division, as far as practicable under the conditions existing in the State of Montana, to extend and improve services for crippled children. These services shall consist of locating such children and providing diagnosis, medical, surgical and corrective treatment, aftercare and related services for children who are crippled or who are suffering from conditions which lead to crippling and the board may, at its discretion, within the limits of its funds, provide services for children who are afflicted with or suffering from rheumatic fever, or heart diseases, and who are totally incapacitated for education or for remunerative occupation. Special attention is to be given to this program in rural areas and in areas suffering from severe economic distress. The division shall be under the general supervision of the state board of health and its secretary to the same extent as other divisions serving under that board. It shall be the duty of the division to do and perform all things that are necessary to carry out this program, insofar as means are available and conditions in this State justify, in conformity with the social security act of the United States, the rules and regulations promulgated by the children's bureau of the United States department of labor and the statutes of the State of Montana.

Division of services for crippled children—duties.

Section 2. **Personnel.** The personnel of the division of services for crippled children, serving under the state department of public welfare at the close of business June 30, 1941, shall without any action on the part of the state board of health become officers and employees of the division under the state board of health on July 1, 1941. The state board of health and its secretary shall have the same powers over these officers and employees with regard to salaries, tenure of office or position and all other matters relating to their services as they have over other officers and employees under that board.

Personnel

Section 3. **Equipment, Files and Records.** All equipment, files and records used exclusively by the division of services for crippled children in the state department of public welfare shall be transferred to the state board of health on July 1, 1941.

Equipment, files and records.

Section 4. **Transfer of Appropriation.** All moneys appropriated for the state department of public welfare for "services for crippled children" for the biennial period

Transfer of appropriation.

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July 1, 1941 to June 30, 1943, are hereby transferred to the state board of health.

Repealing clause.

Section 5. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Approved March 11, 1941.

CHAPTER 127

An Act Fixing the Salaries of County Assessors in Counties of the Seventh Class Having a Taxable Valuation of More Than Two Million Dollars ($2,000,000.00), But Not Exceeding Five Million Dollars ($5,000,000.00).

Be it enacted by the Legislative Assembly of the State of Montana:

Salary of county assessor in counties of the seventh class.

Section 1. That the salary of the county assessor of each county of the seventh class, in this State, having a taxable valuation of more than two million dollars ($2,000,000.00), but not exceeding five million dollars ($5,000,000.00), shall be one thousand eight hundred dollars ($1,800.00) per year payable monthly at the same time and in the same manner salaries of other county officers are paid.

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect on and after July 1, 1941, but its provisions shall not affect the salaries of any assessors holding office in such counties during the terms for which they are now holding such offices.

Approved March 11, 1941.

CHAPTER 128

An Act Providing for the Creation and Appointment of the Montana Preparedness and Advisory Commission and Defining Its Powers and Duties; and for Carrying Out the Purposes Thereof.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. There is hereby created a commission, consisting of eleven (11) members, to be known as the Montana

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preparedness and advisory commission. The governor and commissioner of agriculture, labor and industry shall be ex-officio members of such commission, and the governor shall be chairman thereof, and the commissioner of agriculture, labor and industry shall be secretary thereof, and the other members shall be citizens of the State and be appointed by the governor, of whom two (2) shall be agriculturists, two (2) shall represent the mining industry. All vacancies on the commission shall be filled by appointment by the governor.

Montana preparedness and advisory commission created—members

Section 2. Such commission shall have power to adopt by-laws for its government and the convenient transaction of its business and to change such by-laws from time to time, and provide for the discharge of the duties of the commission by subordinate officers, agents, subcommittees and otherwise; to employ such employees as may be necessary and prescribe their duties. All official acts of the commission shall require a majority vote of the commission.

Powers.

Section 3. The chairman of the commission shall have authority to appoint three (3) resident citizens in each of the various counties of the State to perform such duties as the commission may order or require, but the county commission shall have no authority to take affirmative action except upon the direction, advice or consent of the state commission. Members of the county commission shall not be paid any salary or per diem, but may be paid actual expenses when traveling on official business.

County Commission.

Section 4. The objects and purposes of the commission created by this act are to work with the national defense advisory commission to collect and correlate information relative to the resources of Montana that might be valuable or used in any national preparedness program and to furnish the national defense advisory commission with all information that it may desire or require along these lines, and to represent the State of Montana in requesting the government of the United States and its various departments and branches, including the national defense advisory commission, to use the natural resources of the State of Montana and the facilities which Montana has to offer in the way of sites for cantonments, airplane bases, lands for industrial plants for the preparation of war materials and all other purposes in the way of tendering

Purposes of commission.

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assistance to the government of the United States, and asking the government of the United States to assist for preparedness purposes in the development of the resources of and facilities in the State of Montana, and for these purposes the commission shall have power to subpoena witnesses, direct the state educational institutions and various boards and bureaus of this State to furnish information and do such things and take such action as may be necessary within the purposes contemplated by this act, and for this purpose may issue subpoenas, call, swear and examine witnesses.

Power to subpoena witnesses.

Section 5. The commission shall have the power and it shall be its duty to at all times cooperate with the military and other officers and agents of the United States government in all matters pertaining to the duties and functions of the commission and the objects sought to be obtained in assisting the government of the United States in any defense program and to prepare a proper defense and shall aid the government of the United States in all matters within the objects and purviews of this act.

Cooperation with officers and agents of the United States in defense program.

Section 6. The commission created by this act shall continue in existence so long as the national defense advisory commission shall be in existence and working, but in no event shall it continue to operate and function after the first day of February, 1943, unless the twenty-eighth legislative assembly or an intervening special session of this legislative assembly shall continue its existence or otherwise direct.

Duration of existence of commission.

Section 7. Be it further enacted that all officers, departments, boards, commissions, institutions and agencies of the State government or any county or municipality in the State shall cooperate with the commission and shall render it such aid and assistance and give it such information as the commission may need or require.

All public officers and departments to cooperate with commission.

Section 8. The provisions of this act are separable and not dependent and if any provision, Section or part of either is held unconstitutional, the same shall not affect any other part of this act.

Severability of act.

Section 9. This act shall take effect and be in force from and after its passage and approval by the governor.

Effective date.

Approved March 11, 1941.

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CHAPTER 129

An Act to Amend Section 5083.6, Revised Codes of Montana, 1935, Relating to City Budgets; Providing for Hearings Thereon, the Manner in Which appropriations Contained Therein Shall Be Made and the Amounts Thereof Determined, the Time and Manner of Final Adoption, the Time and Manner for Fixing Tax Levies, Requiring Copies Thereof to Be Filed With the State Examiner, and Fixing a Penalty for Failure to So File Copies.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 5083.6, Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

Sec. 5083.6 Rev. Codes amended.

"Section 5083.6. **Hearings on Budget—Adoption—Fixing of Tax Levy.** On the Wednesday immediately preceding the second Monday in August the council shall meet at the time and place designated in the notice provided in Section 5083.5, at which time any taxpayer may appear and be heard for or against any part of such budget. Such hearing *shall* be continued from day to day and *shall* be concluded *and terminated and the budget finally approved and adopted* on the second Monday in August and prior to the fixing of the tax levies by such council. The council shall have power to call in the official in charge of any office, department, service or institution, at the time the estimates for their respective offices are under consideration, for examination concerning such estimates, and such official shall be called in by such council upon the request of any taxpayer for questioning either by the council or any taxpayer upon such estimates.

Hearings on budget.

Upon the conclusion of such hearing the council shall *first determine and fix the amount which it is estimated will accrue to each fund during the fiscal year from all sources, except the taxation of property, but in so doing the council shall not include any amount which it is anticipated may be received during such fiscal year from the payment of taxes which became delinquent during any preceding fiscal year or years. The council shall then determine and fix separately the amount appropriated for and authorized to be expended for each item in the budget and shall specify the fund or funds against which*

Fixing estimate of amounts that will accrue to each fund during fiscal year.

Fixing amount appropriated for each item.

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warrants are to be drawn and issued for the expenditures so authorized; provided that there shall not be added to the amount to be appropriated and authorized to be expended for any item or purpose, or to the total amount appropriated and authorized to be expended from any fund, other than a fund for the payment of principal or interest on outstanding and unpaid bonds, any amount or percentage whatever because of any anticipated loss of revenue by reason of the non-payment of taxes levied for such fiscal year; and provided further that the total expenditures authorized to be made from any fund, including reserve added thereto as hereinafter provided, shall not, in any event, exceed the aggregate of the cash balance in such fund, at the close of the fiscal year immediately preceding, in excess of outstanding unpaid warrants against such fund, at the close of the fiscal year immediately preceding, the amount of estimated revenues to accrue to such fund, as determined and fixed in the manner herein provided, and the amount which may be raised for such fund by a lawful tax levy during the fiscal year.

Anticipated non-payment of taxes not to be considered.

The council shall then determine and fix the amount to be raised for each fund, for which a tax levy is to be made, by adding together the cash balance in excess of outstanding unpaid warrants at the close of the fiscal year immediately preceding and the amount of the estimated revenues, if any, to accrue thereto during the current fiscal year, as before ascertained and determined, and then deducting the total amount so obtained from the total amount of the appropriations and authorized expenditures from the fund as determined and fixed by the council in the budget adopted and approved, the amount remaining being the amount necessary to be raised for any fund by tax levy during the current fiscal year; provided that the council may add to the amount so found necessary to be raised for any fund by tax levy during the current fiscal year, an additional amount, as a reserve to meet and care for expenditures to be made from such fund during the months of July to November, inclusive of the next ensuing fiscal year under the annual budget to be thereafter adopted for such next ensuing fiscal year, but the amount which may be so added to any fund as such reserve shall not exceed one-third (1/3) of the total amount appropriated and authorized to be expended from such fund during the current fiscal year, after deducting from the amount of such appropriations and authorized expenditures the

Fixing amount to be raised for each fund

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total amount, if any, therein appropriated and authorized to be expended for election expenses and payment of emergency and other outstanding warrants; provided further, that the total amount to be raised by tax levy for any fund during such current fiscal year, including the amount of such reserve, must not exceed the total amount which may be raised for such fund by a tax levy which does not exceed the maximum levy permitted by law to be made for such fund.

Budget as finally determined—what shall be set out

The budget as finally determined, in addition to setting out separately each item for which any appropriation is made or expenditure authorized, and the fund out of which the same is to be paid, shall set out the total amount appropriated and authorized to be expended from each fund, the cash balance, in excess of outstanding unpaid warrants, at the close of the last preceding fiscal year, the amount if any, which it is estimated will accrue to the fund from sources other than taxation, the reserve, if any, for the next ensuing fiscal year, and the amount necessary to be raised for each fund by tax levy during the current fiscal year. The council shall then by resolution approve and adopt the budget as so finally determined, and the clerk shall enter the same at length and in detail in the official minutes of the council.

Adoption

Council to fix tax levy.

On the second Monday in August, and after the approval and adoption of the final budget, the council shall fix the tax levy for each fund at such rate, not exceeding limits prescribed by law, as will raise the amount set out in the budget as the amount necessary to be raised by tax levy for such fund during the current fiscal year, and no more; provided that the taxable valuation of the city for the then current fiscal year shall be the basis for determining the amount of the tax levy for each fund, and each tax levy shall be at a rate no higher than is required on such basis, without including any amount for anticipated tax delinquency, to raise the amount set out in the budget, and each such levy shall be made in the manner provided by Section 2148.1; provided further, that if the council shall consider that a levy made for any bond sinking or interest fund in the manner herein provided, will not provide a sufficient amount to pay all bond and interest becoming due and payable during the current fiscal year, or within six (6) months thereafter, because of anticipated tax delinquency, the council may fix the levy at such rate as it

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deems necessary to raise the amount for making such payments of principal and interest, over and above such anticipated tax delinquency.

City clerk to forward copy of budget to state examiner.

The city clerk shall, not later than the fifteenth day of September following, forward a full, complete, itemized and detailed copy of the final budget, together with the tax levies made therefor, to the state examiner. If any city clerk shall fail, neglect or refuse to forward such copy of the budget to the state examiner within such time, the state examiner shall, before the first day of October immediately following, notify the mayor and council of such city that such copy of budget has not been forwarded him by the city clerk, and such council must thereupon withhold from said city clerk his salary or compensation for the month of September until such time as the city clerk shall present such council with a notice from the state examiner that such copy of budget has been received by him."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect from and after its passage and approval, but shall not affect in any manner whatever budgets heretofore adopted for the fiscal year ending June 30, 1941.

Approved March 12, 1941.

CHAPTER 130

An Act to Amend Section 6305, Revised Codes of Montana, 1935, Relating to Fraternal Benefit Societies and the Definition Thereof.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 6305 Rev. Codes amended.

Section 1. That Section 6305, Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

Fraternal benefit societies defined.

"Section 6305. **Fraternal Benefit Societies Defined.** Any corporation, society, order, mutual life association, or voluntary association, without capital stock, organized and carried on solely for the mutual benefit of its members and their beneficiaries, and not for profit, and having

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a lodge system with ritualistic form of work and representative form of government, or whose membership is limited to the members of a lodge system with ritualistic form of work and representative form of government, and which shall make provisions for the payment of benefits in accordance with Section 6309, is hereby declared to be a fraternal benefit society."

Section 2. This act shall be in full force and effect from and after its passage and approval. Approval date.

Approved March 12, 1941.

CHAPTER 131

An Act to Amend Section 1263.11 Revised Codes of Montana 1935, Relating to High School Budgets, Tax Levy for High Schools and Apportionment of the Proceeds of Such Levy.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1263.11 Revised Codes of Montana 1935, be, and the same is hereby amended to read as follows: Sec. 1263.11 Rev. Codes amended.

"Section 1263.11. **High School Levy—High School Tax Levy Fund—Apportionment of Proceeds.** In each county in which one or more high schools are maintained, the board of county commissioners shall annually levy on the second Monday in August a special tax for such high school or high schools, which special tax shall not exceed seven (7) mills; except in counties in which *the amount when computed by applying a seven (7) mill levy against the taxable valuation of the county will be less than* one hundred twenty-five dollars ($125.00) for each pupil residing in the county regularly, and enrolled and attending high school in the county for not less than forty (40) days during the last completed school year, together with the amount contained in the budget provided for in Section 1263.8 for pupils authorized to attend high school outside of the county. In such counties the levy *may be made and fixed at such rate that the amount, when computed by applying the levy against the taxable valuation of the county, will be* one hundred and twenty-five dollars Special tax levy for high schools. Basis for levy

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($125.00) for each pupil residing in the county and regularly enrolled and attending high school in the county for not less than forty (40) days during the last completed school year together with the amount contained in the budget provided for in Section 1263.8 for pupils authorized to attend high school outside of the county. The proceeds of such special tax levy shall be carried by the county treasurer in a fund to be known as "high school tax levy fund" and shall be apportioned in December and June of each year by the county superintendent of schools in the following manner: At each such apportionment there shall be deducted from the proceeds of the tax then in the high school tax levy fund, one-half (½) of the amount contained in the budget for pupils authorized to attend high school outside of the county *which amounts shall be placed in a special fund to be designated as "High School Transfer Fund"* and the remainder shall be apportioned amongst the districts maintaining high schools, *or providing for transportation of high school pupils to other districts within the county,* and the county high school, if there be one, *by using one of the following methods:*

Apportionment of proceeds.

High school transfer fund.

Methods of apportionment.

(a) *In the proportion which the amount of the maximum budget which might be adopted under Section 1263.5, by each district maintaining a high school or transporting its high school pupils to a high school in another district, and the county high school, if there be one, bears to the total amount of the maximum budgets which all thereof might adopt under said section.*

(b) *In the proportion which the amount shown in each budget as the amount to be raised for such budget by the county-wide high school tax levy, as determined by Section 1263.18, bears to the total amount shown by all of such budgets to be raised by such county-wide high school tax levy as determined by Section 1263.18.*

Duty of county superintendent.

The county superintendent of schools, in making such apportionments, shall use and follow the method which he shall deem best under the particular conditions existing in his respective county; provided that no school district or county high school shall receive in any one school year from both of the apportionments made in such year any amount in excess of the amount shown by its high school budget to be raised therefor by the county-wide high school tax levy. If, after making the June apportionment it is

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found that any amount remains in the high school tax levy fund, it may be reapportioned, among those districts, including county high school, which have not received from such apportionments the full amounts shown in their budgets as being required to be raised therefor by the county-wide high school tax levy, but on any such reapportionment no school district or county high school shall receive, such an amount as will make the total amount received from all apportionments during the school year exceed the amount shown in its budget as being required to be raised therefor by the county-wide tax levy."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect on and after its passage and approval.

Approved March 12, 1941.

CHAPTER 132

An Act to Amend Section 1201.3 Revised Codes of Montana 1935, Relating to State Common School Equalization Fund and the Distribution Thereof.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 1201.3 Rev. Codes amended.

Section 1. That Section 1201.3 Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

Minimum educational program—factors to be considered.

"Section 1201.3. **Distribution of Fund—Reports May Be Required.** The state board of education at its meetings to be held in the months of July and December in each year, shall determine the minimum educational program which shall be equalized, and in determining such educational program shall consider the following factors: the minimum length of the school term; *the levy required including levy for text books in order to maintain the school for such minimum term and with such minimum program; the taxable valuation of the district; the taxable* valuation per child *enrolled and in regular attendance; enrollment in regular attendance* and minimum enrollment, and such other factors as said board may deem necessary for the purpose of carrying out the provisions of this act.

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Grants from common school equalization fund.

No amount shall be paid over to or distributed to any school district from the common school equalization fund, save and except under the following conditions:

1. *When, in order for a district to maintain a school for the minimum term and to provide the minimum educational program, as determined by the state board of education it is necessary for the district to levy a tax of more than fifteen (15) mills, including any levy made for text book purposes.*

2. *When the number enrolled and in regular attendance does not exceed ten (10) and they can be readily transported to another school, not more than ten (10) miles distant and the cost of transportation and tuition at such other school will require a tax levy of more than fifteen (15) mills.*

Amount of grant to be decreased —when.

The amount of equalization fund granted to any school district with less than ten (10) but more than five (5) pupils enrolled and in regular attendance shall be decreased at least ten (10%) of the amount needed for the minimum term and the equalized minimum educational program adopted by the state board of education, for each pupil less than ten (10) enrolled and in regular attendance; provided that for a school with a number enrolled and in regular attendance not less than four (4), nor more than five (5), pupils the amount granted from the equalization fund shall not exceed fifty (50%) per cent of the amount which would be granted to such school if it had ten (10) pupils enrolled and in regular attendance; and provided further, that no amount whatever shall be granted to any school district from such equalization fund when the number enrolled and in regular attendance is less than four (4).

Closing school —use of grant for transportation or board or rent.

When application is made by any school district for aid from the common school equalization fund and it appears to the satisfaction of the state board of education that the school can be closed and the pupils transported to some other school, or board and rent furnished them in lieu of transportation while attending such other school, and that all cost and expense in connection with such pupils attending such other school will be less than the cost and expense of the district maintaining its school, and that by the district closing such school and providing for such transportation, or board or rent in lieu thereof, a less amount

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will be required from the said equalization fund, the state board of education must grant aid only in such amount as it may deem necessary under such conditions, and the amount granted may be used and expended by the school district in providing such transportation, or board and rent in lieu thereof.

Determination of minimum amount of grant.

Whenever the state board of education shall determine that any school district is entitled to receive aid and assistance from such equalization fund, the board shall determine the minimum amount actually required to maintain such school, for the minimum term and educational program as determined by the board, or for tuition, transportation, or rent and board in lieu thereof, without any reserve being set up for the following school year, and shall also make a fair estimate of the cash balance, if any, on hand available for maintenance purposes, the amount which the district will receive from sources other than taxation for maintenance purposes and the amount which a levy of fifteen (15) mills, including any levy made for text books, will produce, and the total of such amounts shall be deducted from the amount determined by the board to be required for maintenance purposes, and the amount which may be granted such district from the equalization fund shall not exceed such difference, but may be fixed at a less amount.

Apportionment of surpluses in equalization fund.

All surpluses in the state common school equalization fund, after one hundred thousand dollars ($100,000.00) have been apportioned under this act, for the year ending March 15, 1942, shall be apportioned and distributed under the provisions of Section 1200.1 of the Revised Codes of Montana, 1935. Likewise all surpluses remaining in said state common school equalization fund, after one hundred thousand dollars ($100,000.00) have been apportioned under this act, for the year ending March 15, 1943, shall be apportioned and distributed under the provisions of Section 1200.1 of the Revised Codes of Montana, 1935. After March 15, 1943, all monies credited to the state common school equalization fund shall be apportioned and distributed under the provisions of Section 1200.1 of the Revised Codes of Montana, 1935.

Board may require reports and provide rules and regulations.

The state board of education, acting as such common school equalization board shall have the power to require such reports from county superintendents of schools, county treasurers, and school trustees as it may deem necessary, and shall provide rules and regulations for the

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purpose of carrying out the provisions of this Section, and providing, as nearly as possible, and as far as said fund will allow, nine months' schooling each year for every child in the common schools of the State."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect on and after its passage and approval.

Approved March 12, 1941.

CHAPTER 133

An Act to Amend the Following Sections of the Revised Codes of Montana, 1935, Namely: Section 3566, Relating to Powers and Duties Concerning Apiculture; Section 3566.1, Relating to Registration of Colonies of Honey Bees—Application Blanks and Contents; Section 3566.2, Relating to Registration Certificates to Be Posted; Section 3566.3, Relating to Registration Fee; Section 3566.4, Relating to State Beekeepers Fund—Composition and Use of, and Section 3566.5, Relating to Penalties, Conferring upon the State Entomologist of Montana All Powers and Duties Now by Law Given to the Commissioner of Agriculture, Labor and Industry, Relating to Apiculture; Regulating the Movement of Bees in This State; Providing Any One Who Allows Unsanitary Conditions to Exist in the Operation of Any Honey House or Building Shall Be Guilty of a Misdemeanor; Requiring a Certificate of Health to Accompany Bees in Combless Packages Brought Into This State, and Providing for the Regulation of the Movement of Bees or Equipment Within the State, and Providing for an Appropriation of Eight Hundred and Fifty Dollars ($850.00) to Be Taken Out of Moneys in the General Fund Not Otherwise Appropriated to Carry Out the Provisions of This Act During the Period of Time Commencing April 1, 1941 to June 30, 1941 and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 3566 Rev. Codes amended.

Section 1. That Section 3566 of the Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

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"Section 3566. *The following terms shall be construed respectively to mean:* Definitions.

(a) 'Apiary'—any place where one (1) or more colonies of bees are kept.

(b) 'Appliances'—any apparatus, tools, machines, or other devices used in the handling and manipulation of bees, honey, wax, and hives, and shall also include any containers of honey and wax which may be used in any apiary or in transporting bees and their products and apiary supplies.

(c) 'Bees'—any stage of the common honey bee, Apis Mellifera L.

(d) 'Bee Diseases'—American or European foulbrood, sacbrood, bee paralysis, or any other disease or abnormal condition of egg, larval, pupal or adult stages of bees.

(e) 'Bee equipment'—hives, supers, frames, veils, gloves or any other appliances of equipment.

(f) 'Colony'—the hive and its appliances, including bees, comb, honey and equipment.

(g) 'Hive'—frame hive, box hive, box, barrel, log gum, skep, or any other receptacle or container, natural or artificial, or any part thereof, which may be used as a domicile for bees.

(h) 'Persons'—individuals, associations, partnerships and corporations.

(i) 'Queen apiary'—any apiary or premises in which queen bees are reared or kept for sale or gift.

Words used in this act shall be construed to import either the plural or singular, as the case demands.

The *office of state entomologist* shall regulate and promote the business of apiculture in Montana and shall be charged with the duty of instructing the beekeepers of Montana in the approved methods of beekeeping and management of apiaries, control of bee diseases, and other matters pertaining to the promotion of the beekeeping industry in Montana. The *state entomologist* shall have authority to prescribe such regulations as in his judgment may be necessary to eradicate, prevent, or control the introduction and dissemination of American or European foulbrood, or State entomologist—powers and duties.

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other diseases of bees. The authority hereby given shall include the power to order the transfer of colonies of bees from hives or containers which cannot be easily examined for brood diseases to other hives or containers; to order the burning of, or to burn, either personally or by deputy, any infected or contaminated bees, bee hives, brood combs, and other equipment; or to order the disinfection thereof; to define and prescribe the limits of apiary control; quarantine any apiary or districts where foulbrood or any dangerous or infectious diseases are present, to prevent the removal from such quarantined apiary or district of bees, used bee supplies or equipment, excepting under permit, or to issue or withhold such permits. The *state entomologist* may refuse such permit whenever necessary in his judgment to prevent the dissemination of any bee disease, or until he shall have ascertained whether or not such disease is present. No person shall sell, or offer for sale, any apiary, bees, comb, or used beekeeping apparatus within a quarantined district, without a permit from the *state entomologist* or his *duly* authorized *representative*. Shipment or movement into the State of Montana from other states and countries, of bees, queen bees, used or second hand hives, honey combs, frames and all other used beekeeping fixtures is hereby prohibited with exception that this regulation does not affect the shipment into the State of live bees in cages when these are not accompanied by combs or honey. The *state entomologist* may in his discretion authorize permits for shipment of bees on combs into Montana. The *state entomologist* shall have authority and it shall be his duty, to visit and examine, either personally or by deputy, any apiary for the purpose of ascertaining the existence of disease among bees or brood. The *state entomologist* is hereby authorized to employ some competent and qualified person as state apiarist to make the inspections and to perform the other duties relative to beekeeping imposed upon the *state entomologist* by the terms of this act.

Quarantine of apiaries or districts.

Sale of apiary within quarantine district —permit required.

Before a permit for the movement of bees into the State may be granted, it shall be determined by the state entomologist that the territory to which movement is requested shall not be overcrowded and such movement shall not be detrimental to the best interests of the beekeeping industry. Beekeepers shall be notified of any request for the movement of additional bees and equipment into their established territory and shall have thirty (30) days in

Movement of bees into the state.

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which to enter any protest or reason why this permit shall not be granted.

Unsanitary conditions—notice to operator—failure to obey made a misdemeanor.

Whenever it is determined by the state entomologist or his duly authorized representative that unsanitary conditions exist or are permitted to exist in the operation of any honey house or building or portion of a building in which honey is stored, graded or processed, the operator or owner of said honey house or building shall be first warned and notified, in writing by registered mail by the state entomologist or his duly authorized representative, to place such honey house or building in a sanitary condition within a reasonable length of time; and any operator or owner of such honey house or building, failing to obey such notice and warning, shall be guilty of a misdemeanor and shall be punished as provided in this act.

Transportation of bees into state, certificate of health required.

All bees in combless packages which may be brought into this State from other states or other countries must be accompanied by a certificate of health issued by the official inspector of the state or country from whence they came. The transportation of bees into this State without said certificate of health by any person or persons or by common carrier or by any method of transportation is expressly prohibited; also the moving of bees or equipment within the State shall be regulated and controlled by the state entomologist when in his judgment it may be necessary for the prevention, eradication, or control of bee diseases.

Sec. 3566.1 Rev. Codes amended.

Section 2. That Section 3566.1 of the Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

Registration of colonies of honey bees

"Section 3566.1. **Registration of Colonies of Honey Bees—Application Blanks and Contents.** Every person, firm or corporation in the State of Montana who shall possess or own therein one (1) or more colonies of honey bees, or one (1) or more hives containing honey combs or brood combs, but no bees, whether or not such combs contain honey or brood, shall on or before the first day of April of each year, or thereafter within ten (10) days after coming into possession or ownership of such colonies of bees or bee hives with combs, but without bees, or within ten (10) days after changing the location thereof, register the same in the office of the *state entomologist* and obtain a registration certificate, which shall entitle him to own, possess or control colonies of bees for the calendar

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year then current or remainder thereof, at the location or locations named in the registration certificate. Application for such registration of colonies of honey bees shall be made to the *state entomologist* upon blanks prepared by him for this purpose, which shall be distributed by him to those applying for them throughout the State. Such blanks shall contain a statement of the name, place of residence and place of business of the owner and applicant, together with the number of colonies of bees or bee hives containing combs but no bees, to be registered and their location or locations in the state, defining such location by lot and block if within the corporate limit of a city or by section, or sectional division to the nearest quarter section, and township and range, and stating also the name of the owner, renter or occupant of the land whereupon such colonies or hives are located."

Application blanks and contents.

Sec. 3566.2 Rev. Codes amended.

Section 3. That Section 3566.2 of the Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

Registration certificate to be posted.

"Section 3566.2. **Registration Certificates to Be Posted.** Every person, firm or corporation in the State of Montana who shall possess or own one (1) or more colonies of bees of one (1) or more bee hives containing honey combs or brood combs, but no bees, whether or not such combs contain honey or brood, shall be and hereby is required to post in a conspicuous place at or near the location of his colonies of honey bees or bee hives, a copy of the registration certificate provided for in Section 3566.1, duly signed by the *state entomologist* or his *duly* authorized *representative*. Every person, firm or corporation in the State of Montana who shall possess or own therein more than one (1) bee yard or location where colonies or bee hives are kept, shall post in a conspicuous place a duly signed registration certificate in each and every such bee yard or location."

Sec. 3566.3 Rev. Codes amended.

Section 4. That Section 3566.3 of the Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

Registration fee.

"Section 3566.3. **Registration Fee.** The *state entomologist*, either himself or through his *duly authorized representative*, is authorized and required to collect a registration fee in accordance with the following schedule of fees for the total number of colonies owned or possessed

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by each person, firm or corporation in the State of Montana:

1 to 10 colonies of bees	$ 1.00
11 to 50 colonies	2.50
51 to 200 colonies	5.00
201 to 300 colonies	7.50
301 to 400 colonies	10.00
401 colonies and upward	15.00

Sec. 3566.4 Rev. Codes amended.

Section 5. That Section 3566.4 of the Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

State beekeepers fund —composition and use of.

"Section 3566.4 **State Beekeepers Fund—Composition and Use of.** All registration fees collected under the provisions of this act shall be transmitted by the *state entomologist* to the state treasurer, but shall constitute a special fund to be known as the "state beekeepers fund" that may be drawn upon from time to time by the *state entomologist* to defray the expenses of the enforcement of the state laws of Montana concerning the business of beekeeping and especially Section 3566."

Sec. 3566.5 Rev. Codes amended.

Section 6. That Section 3566.5 of the Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

Penalties.

"Section 3566.5. Any person, firm or corporation failing, neglecting or refusing to register his bees or bee hives containing combs, with or without bees, whether or not such combs contain honey or brood, shall be deemed guilty of a misdemeanor and punished by a fine of not *less than twenty-five dollars ($25.00) or more than one hundred and fifty dollars ($150.00). Any firm, person or corporation violating any other provision of this act shall be punished by a fine of not less than twenty-five dollars ($25.00) or more than five hundred dollars ($500.00) or by imprisonment in the county jail not exceeding one (1) year, or both fine and imprisonment in the discretion of the court. In addition to the penalties herein provided, bees on combs, used hives or other used apiary appliances brought into this State in violation of the provisions of this act shall be confiscated, disinfected or destroyed by burning by the state entomologist or his duly authorized representative. It shall be unlawful for any person to give false information in any matter pertaining to this act, or to resist, impede,*

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or hinder said state entomologist or his duly authorized representative in the discharge of his duties."

Appropriation for purposes of this act.

Section 7. The sum of eight hundred and fifty dollars ($850.00) or so much thereof as may be necessary, is hereby appropriated out of any moneys in the general fund not otherwise appropriated to pay the expenses of a duly authorized representative of the state entomologist of Montana to carry out the provisions of this act during the period of time commencing April 1, 1941, and ending June 30, 1941.

Severability of act.

Section 8. If any clause, sentence, paragraph, or part of this act shall for any reason be adjudged or decreed invalid by any court of competent jurisdiction, such judgment or decree shall not affect, impair or invalidate the remainder of said act, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which said judgment or decree shall have been rendered.

Repealing clause.

Section 9. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 10. This act shall be in full force and effect from and after its passage and approval.

Approved March 12, 1941.

CHAPTER 134

An Act Providing for the Release of Sureties on Official Bonds of All State, County and Other Officers, and From the Bonds of Executors, Administrators and Guardians and Other Undertakings, and Prescribing the Procedure Therefor; Providing That an Officer Failing to File a New Undertaking Thereby Forfeits Office; Prescribing the Liability of and Amount of the New Undertaking; Amending Sections 494, 502 and 503 and Repealing Sections 495 to 501 Inclusive, of the Revised Codes of Montana, 1935.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 494 Rev. Codes amended.

Section 1. That Section 494 of the Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

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"Section 494. **Release of Sureties.** Any surety on the official bond of any state, county, city, town, or township officer, *or on the official bond of any executor, administrator, guardian, or on the bond or undertaking of any person where by law a bond or undertaking is required, may be released from all liability thereon accruing from and after proper proceedings had therefor, as provided in this act.*"

Release of sureties.

Section 2. **Proceedings to Obtain Release of—Statement—Notice.** Any surety desiring to be released from liability on the bond of any state officer shall file with the governor or secretary of state a statement in writing, duly subscribed by himself, or some one in his behalf, setting forth the name and office of the person for whom he is surety, the amount for which he is liable as such, and his desire to be released from further liability on account thereof. A notice containing the object of such statement shall be served personally on the principal, unless he shall have left the State, or his whereabouts cannot after due and diligent search and inquiry be ascertained, in which case the same may be served by publication once a week for four (4) successive publications in some newspaper of general circulation published in the county where the bond is filed on record. Any surety desiring to be released from the official bond of any county or township officer shall file and serve a similar statement. The statement, except when the county clerk or county commissioners are principals, shall be filed with the county clerk, and when the county clerk or county commissioners are principals, the statement shall be filed with the district judge. Any surety desiring to be released from liability on the bond of any city or town officer shall file and serve a similar statement with the city or town clerk or mayor. Any surety desiring to be released from an executor's administrator's or guardian's bond or undertaking shall file and serve a similar statement with the proper officer, person, or authority where the bond is filed on record. All statements provided for in this Section must be served personally on the principal as in this Section provided, if he can be found for service in the State of Montana; if not he may be served by publication in a newspaper at the county seat as hereinbefore provided, or if no newspaper be published thereat, then in an adjoining county, without any order from any court or other authority: Provided further, in all cases for which publication is provided, a printed

Proceedings to obtain release—statement.

Statements —service of.

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or written notice posted in at least ten (10) conspicuous places in the county for the time specified for publication of said notice shall be deemed legal notice thereof.

Failure to file new bond vacates office.

Section 3. **Failure to File New Bond Vacates Office—When—Vacancy, Etc.** If any officer or person shall fail to file within twenty (20) days from the date of personal service, or within forty (40) days from the date of the first publication or of posting notice as provided herein, a new or additional bond or undertaking, the office or appointment of the person or officer so failing shall become vacant, and such officer or person shall forfeit his office or appointment, and the same shall be filled as in other cases of vacancy, and in the manner provided by law; and the person applying to be released from liability on such bond or undertaking shall not be holden or liable thereon after the date herein provided for the vacating and forfeiting of such office or appointment.

Vacancy

Liability of sureties where new bond is given.

Section 4. **Liability of Sureties Where New Bond Is Given.** In case a new or additional undertaking be filed, the sureties on the original undertaking not asking to be released, and on the new or additional bond or undertaking, shall be and continue liable for the official acts of such officer or person, jointly and severally, the same as if all were sureties on one and the same instrument. This shall not be deemed to provide retroactive liability on the new surety.

Amount of new bond—how determined.

Section 5. **Amount of New Undertaking—How Determined.** Whenever a statement is filed, or filed and served as herein provided, the proper authority shall prescribe the penalty or amount in which a new or additional bond or undertaking shall be filed unless already provided by statute; and if no such order be made, then such new or additional bond or undertaking shall be executed for the same amount as the original.

Sec. 502 Rev. Codes amended.

Section 6. That Section 502 of the Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

Effect of discharge of sureties

"Section 502. **Effect of Discharge of Sureties.** No surety must be released from damages or liabilities for acts, omissions, or causes existing or which arose before *discharge of the surety as hereinbefore provided* but such legal proceedings may be had therefor in all respects as though no *such discharge had been had.*"

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Section 7. That Section 503 of the Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

Sec. 503 Rev. Codes amended.

"Section 503. **Applicable to What Bonds.** The provisions of this Chapter apply to the bonds *of state, county, town, or township officers or on the official bond of any executor, administrator, guardian or on the bond or undertaking of any person where by law a bond or undertaking is required.*"

Applicable to what bonds.

Section 8. That Sections 495 to 501 inclusive, be, and the same are hereby repealed.

Repealing clause.

Section 9. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 10. This act shall be in full force and effect from and after its passage and approval.

Effective date.

Approved March 12, 1941.

CHAPTER 135

An Act to Amend Section 2841 Revised Codes of Montana 1935, as Amended by Section 1, of Chapter 119 Laws of Montana 1939, Relative to the Employers' Engaged in Hazardous Industries Election to Be Bound by the Workmen's Compensation Act by Making It Mandatory and Compulsory for Employers and Employees Engaged in Coal Mining to Be Covered by One of the Three Plans of the Workmen's Compensation Act and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2841 of the Revised Codes of Montana 1935, as amended by Chapter 119, laws of Montana, 1939, be, and the same is hereby amended to read as follows:

Sec. 2841 Rev. Codes amended.

"Section 2841. **Employers Engaged in Hazardous Industries—Election.** Every employer engaged in the industries, works, occupations, or employments in this act specified as "hazardous", shall on or before the first day of July, 1939, if such employer be then engaged in such hazardous industry, work, occupation, or employment, or

Employers engaged in hazardous industries—election.

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at any time thereafter, or, if such employer be not so engaged on said date, shall, on or after thirty (30) days before entering upon such hazardous work, occupation, or employment, or at any time thereafter, elect whether he will be bound by either of the compensation plans mentioned in this act. Such election shall be in the form prescribed by the board, and shall state whether such employer shall be bound by compensation plan number one, or compensation plan number two, or compensation plan number three, and a notice of such election, with the nature thereof shall be posted in a conspicuous place in the place of business of such employer, and a copy of such notice, together with an affidavit of such posting, shall be filed with the board.

Employers in business of coal mining must be bound by a plan provided by this act.

"Provided any employer engaged in the business of coal mining, or the employees of an employer so engaged, shall be compelled to be bound by one of the compensation plans provided by this act. If any such employer fails to file an election to be bound and continues to be bound during all of the period he is an employer engaged in the business of coal mining by one of said plans, then within thirty (30) days after the passage of this act, or, in the event he is not then engaged in the business of coal mining, before entering upon such work; he must elect which one of the three plans by which he will be bound. If such employer shall fail to make said election, in the time and in the manner herein prescribed, he shall be guilty of a misdemeanor, and punishable by a fine of not less than one hundred dollars ($100.00) nor more than five hundred dollars ($500.00) or imprisonment in the county jail for a period not less than six (6) months or by both such fine and imprisonment. A failure to provide compensation for each employee shall be deemed a separate offense for the purposes of this act. After having once elected to be bound by one or the other of the compensation plans provided in this act, such employer shall be bound by such election, except as hereinafter provided, for said first fiscal year and each succeeding fiscal year, provided however, that such employer may, at any time, upon thirty (30) days written notice to the insurer or the board, as the case may be, elect to be bound by a different compensation plan than the one by which he is then governed. Such election must be made in the manner provided for in reference to the first election of such employer under this act."

Penalty

Election to be bound by a different plan

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Section 2. That all acts and parts of acts in conflict herewith are hereby repealed. Repealing clause

Approved March 12, 1941.

CHAPTER 136

An Act to Amend Section 4584 of the Revised Codes of Montana of 1935, as Amended by Chapter 53 of the Session Laws of 1939, Relating to the Assessment and Apportionment of Costs of Rural Improvement Districts.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 4584 of the Revised Codes of Montana of 1935, as amended by Chapter 53 of the session laws of 1939, be, and the same is hereby amended to read as follows: Sec. 4584 Rev. Codes amended.

"Section 4584. **Assessment of Property—Apportionment of Costs—Railroads.** To defray the cost of making any of the improvements provided for in this act, the board of county commissioners shall adopt the following method of assessment: The board of county commissioners shall assess the entire cost of such improvements against the entire district and each lot or parcel of land assessed in such district to be assessed with that part of the whole cost which its area bears to the area of the entire district, exclusive of streets, avenues, alleys and public places; *or where said rural improvement district is located more than five (5) miles from the boundary of an incorporated city or town, said assessment may, at the option of the board of county commissioners, be based upon the assessed value of the lots or pieces of land within said district;* provided, however, that the board of county commissioners in its discretion shall have the power to pay the whole or any part of the cost of any street, avenue or alley intersection out of any funds in its hands available for that purpose, or to include the whole or any part of such costs within the amount of the assessment to be paid by the property in the district. In order to apportion the cost of any of the improvements herein provided for, between the corner lots and inside lots of any block, the board of county commissioners may in the resolution creating any improvement district provide that whenever any of the improve- Assessment of property. Apportionment of cost.

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ments herein provided for shall be along any side street or abutting upon the side of any corner lot or block, that the amount of the assessment against the property in said district to defray the cost of such improvements shall be so assessed that each square foot of the land embraced within any such corner lot shall bear double the amount of the cost of such improvement that a square foot of any inside lot shall bear. Whenever any portion of the surface of a street is kept or used by any person, firm or corporation for railroad or for street railway purposes, the cost and expense of making such improvements between the rails and for one foot on each side thereof shall be paid by the person, firm or corporation owning such railroad, and where double tracks of railroads are laid, such person, firm or corporation shall pay the costs of making such improvement or improvements between such tracks and between all switches and spurs."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 12, 1941.

CHAPTER 137

An Act to Amend Sections 2677, 2678, 2679, 2681, 2682, 2683, 2685, 2688, 2690, 2691, 2692, 2701, 2702, of the Revised Codes of Montana of 1935, and Sections 2711.1 and 2711.4 of Said Codes as Amended by Chapter 174, Laws of Montana of 1937, Relating to Electrical Construction and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 2677 Rev. Codes amended

Section 1. That Section 2677 of the Revised Codes of Montana of 1935, be, and the same is hereby amended to read as follows:

Overhead construction of light, heat, and power lines.

"Section 2677. **Overhead Construction of Light, Heat, and Power Lines.** Any person, company, or corporation, except any rural electric cooperative corporations organized under Chapter 172, laws of Montana, 1939, owning or

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using any pole or appliance on which is run, placed, erected, or maintained in the State of Montana, any wire or cable used or to be used to conduct or carry electricity for the purpose of light, heat, or power, shall provide and maintain an unobstructed climbing space adjacent to any such pole or appliance, so that persons shall be able to ascend any such pole or appliance with reasonable safety and convenience up to and through the wires, connections, attachments, and structures of any such pole or appliance, and all cases where any 'buck' or reverse arm is used, or where special construction is used, there shall be provided and maintained unobstructed climbing space of not less than *thirty (30)* inches square, omitting the area of any pole or appliance.

Where six (6) pin 'buck' arms are used and all pins are occupied, they shall be ten (10) feet six (6) inches long and shall provide for sixty (60) inch pole pin spacing, fourteen (14) inch side spacing and five (5) inch end spacing.''

Section 2. That Section 2678 of the Revised Codes of Montana of 1935, be, and the same is hereby amended to read as follows:

Sec. 2678 Rev. Codes amended.

"Section 2678. **Space Between Arms on Poles or Appliances for High and Low Voltage**. At least one (1) standard pole-gain, or the equivalent of four (4) feet, shall be left vacant between the nearest cross-arm on which is placed or maintained any wire or cable conducting or carrying more than *seven hundred and fifty (750)* volts of electricity, and any cross-arm occupied by or used for wires or cables carrying *seven hundred and fifty (750)* volts or less.

Space between arms on poles

"The said standard pole-gain shall be spaced not less than twenty-four (24) inches center to center, except that one (1) 'buck' or reverse arm may be placed not *less* than twelve (12) inches below any cross-arm; and provided that this Section shall be held not to apply to bridge construction; and further provided, that it shall be held not to apply to primary taps to transformers on poles, and provided further, that all such primary taps leading to transformers on poles *shall have insulation equivalent to the rated primary voltage of the transformer.''*

Exceptions

Insulation

Section 3. That Section 2679 of the Revised Codes of

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Sec. 2679 Rev. Codes amended.

Montana of 1935, be, and the same is hereby amended to read as follows:

Cross-arms

"Section 2679. **Cross-arms.** All cross-arms shall be made from clear, straight-grained wood, or standardized material. The cross-section of wood arms shall be not less than three and one-half (3½) by four and one-half (4½) inches. The pin spacing shall be, for six-pin arms, not less than thirty-inch (30") center for pole pin spacing, fourteen-inch (14") side spacing, and five-inch (5") end spacing; and four-pin arms not less than thirty-inch (30") center for pole pin spacing, fourteen-inch (14") side spacing and five-inch (5") end spacing. *Where distribution voltages of between seven thousand five hundred (7,500) and fifteen thousand (15,000) volts are used, a climbing space of thirty (30) inches is permissible when the pole pins are occupied by the neutral and a phase wire.*"

Climbing space in certain cases

Sec. 2681 Rev. Codes amended

Section 4. That Section 2681 of the Revised Codes of Montana of 1935, be, and the same is hereby amended to read as follows:

Double arms.

"Section 2681. **Double Arms.** Double arms, if of wood, shall be used at all line terminals where there is excessive strain, *and on corners and curves where the departure from a straight line exceeds twenty (20) degrees. Line terminals of more than three (3) number six (6) copper wires, or the equivalent, shall be construed as excessive strain for one (1) arm. Line terminals and corners may be made on approved strain insulators or racks bolted directly to the pole in a vertical plane.* All double arms must be blocked *or* bolted in accordance with standard practice."

Sec. 2682 Rev. Codes amended.

Section 5. That Section 2682 of the Revised Codes of Montana of 1935, be, and the same is hereby amended to read as follows:

Guy attachments.

"Section 2682. **Guy Attachments.** All *overhead or horizontal* guy wires, when attached to poles, stubs, or other ungrounded supports, shall *be installed not less than* eight (8) feet *above* the ground. *Guy wires shall be attached to approved guy rods and anchors or to other grounded supports only when protected from kinks and abrasion.*"

Sec. 2683 Rev. Codes amended

Section 6. That Section 2683 of the Revised Codes of Montana of 1935, be, and the same is hereby amended to read as follows:

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"Section 2683. **Guy Insulation.** Any guy wire attached to any pole or appliance on which is run, placed, erected, or maintained any wire or cable used to conduct or carry electricity for the purpose of light, heat, or power, or used jointly with telephone, telegraph, or other signal wires, shall be permanently and effectively insulated at all times, by the insertion of at least two (2) strain insulators. The upper of these insulators shall be inserted in the guy so as to be at least six (6) feet in a horizontal line from the pole itself, and the second strain insulator shall be inserted in the guy so as to be not less than eight (8) feet in a vertical line from the surface *of the ground.* In short guys in which the two (2) insulators are required, and which will be located at the same points or near each other, two (2) insulators may be coupled in series and put into the guy together. All strain insulators shall be so constructed and maintained that the guy wire or guy cable holding the insulator in place shall interlock in case of failure or breakage thereof. The above shall not apply to railway electrification, where at least one (1) insulator shall be inserted in each end of every auxiliary cross-span, and one in each auxiliary guy."

Guy insulation.

Section 7. That Section 2685 of the Revised Codes of Montana of 1935, be, and the same is hereby amended to read as follows:

Sec. 2685 Rev. Codes amended.

"Section 2685. **Arc Lamps.** No arc lamp shall be erected or maintained in the State of Montana on any pole or appliance, unless such arc lamp be so constructed and maintained as to be lowered within *nine (9)* feet from the surface; provided, that this Section shall not include arc lamps used for ornamental street lights attached to iron pedestals or any arc lamp attached to buildings, poles, or other structures which do not carry wire other than those feeding the lamp."

Arc lamps.

Section 8. That Section 2688 of the Revised Codes of Montana of 1935, be, and the same is hereby amended to read as follows:

Sec. 2688 Rev. Codes amended.

"Section 2688. **Foregoing Provisions Apply to Current and Voltage for Light, Heat and Power.** All of the foregoing provisions of this act shall include current and voltage used for light, heat, or power, not to exceed *fifteen thousand (15,000)* volts of electricity *between phase wires for distribution circuits."*

Foregoing provisions to include current and voltage for light, heat or power in what cases.

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Sec. 2690 Rev. Codes amended.

Section 9. That Section 2690 of the Revised Codes of Montana of 1935, be, and the same is hereby amended to read as follows:

Overhead line construction of telephone, telegraph and other signal wires.

"Section 2690. **Overhead Line Construction of Telephone, Telegraph, and Other Signal Wires—Cross-arms.** All cross-arms *in overhead line construction of telephone, telegraph, and other signal wires* shall be made from clear, straight-grained wood, or standardized material. *In such construction*, wood cross-*arms* shall be used having a cross-section of *not* less than three and one-fourth (3¼) by four and one-fourth (4¼) inches, except where steel pins are used or where two-pin arms are used. *For cross-arms having six (6) or more pins* the standard pin spacing shall be not less than sixteen (16) inches from center to center of pole pins."

Cross-arms.

Sec. 2691 Rev. Codes amended.

Section 10. That Section 2691 of the Revised Codes of Montana of 1935, be, and the same is hereby amended to read as follows:

Climbing space.

"Section 2691. **Climbing Space.** Any person, company, or corporation owning or using any pole or appliance used exclusively for *more than four (4)* telephone, telegraph, or other signal wires, shall provide and maintain an unobstructed climbing space of not less than sixteen (16) inches.

"Whenever 'buck' or reverse arms are used, an unobstructed climbing space shall be left adjacent to the pole or appliance at least twenty (20) inches square, omitting the area of any such pole or appliance; any wire or cable attached to the pole in such buck-arm construction, not less than forty (40) inches from the nearest cross-arm, shall be held not to be an obstruction to the climbing space as herein provided."

Sec. 2692 Rev. Codes amended

Section 11. That Section 2692 of the Revised Codes of Montana of 1935, be, and the same is hereby amended to read as follows:

Guy insulation.

"Section 2692. **Guy Insulation.** In all cases where guy wires pass over, under, or between electric light, heat, or power wires, they shall be permanently and effectively insulated at all times by the insertion of at least two (2) strain insulators. The upper of these insulators shall be inserted in the guy so as to be at least six (6) feet in a horizontal direction from the pole itself, and the second strain

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insulator shall be inserted in the guy so as to be not less than eight (8) feet from the surface *of the ground* in a vertical line. In short guys in which the two (2) insulators herein required would be located at the same point, or near each other, two (2) insulators may be coupled in series and put into the guy together.

"*On poles used exclusively for telephone, telegraph, or other signal wires and cables,* anchor guys for guying aerial cable leads shall be insulated from the messenger wires by being placed on separate shims, *or a strain insulator shall be placed in the guy not less than eight (8) feet above the surface of the ground.*"

Section 12. That Section 2701 of the Revised Codes of Montana of 1935, be, and the same is hereby amended to read as follows:

Sec. 2701 Rev. Codes amended

"Section 2701. **National Electrical Safety Code—Applies When.** *The national electrical safety code standards shall govern all future construction* where wires for power, heat, light, telephone, telegraph or signal *cross each other, or cross railroad* tracks. Hereafter all future electrical construction *of overhead and underground electrical supply and communication lines* in the State of Montana not provided for *by the provisions of Chapter 245 of the political code of the Revised Codes of Montana, 1935, as amended by Chapter 174, laws of Montana, 1937, and Chapter 194, laws of Montana, 1939, and this act, shall be in conformity with the rules and regulations set forth in the national electrical safety code approved by the American engineering standards committee as published by the department of commerce of the United States and any and all revisions thereof as the same may exist from time to time, provided that this Section shall not be held to apply to interstate railroad electrification construction except where the wire or wires of the railroad cross or are crossed by wires belonging to others. Said safety* code *shall* be interpreted and enforced by the railroad and public service commission of Montana *as furnishing the standards* of construction. This Section shall not be held to conflict with any of the specific provisions of the Revised Codes of Montana as amended."

National electrical safety code — applies when.

Section 13. That Section 2702 of the Revised Codes of Montana of 1935, be, and the same is hereby amended to read as follows:

Sec. 2702 Rev. Codes amended.

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Protection of ground wires and cables run vertically on poles or other structures.

"Section 2702. **Protection of Ground Wires and Cables Run Vertically on Poles or Other Structures.** Any person, company, or corporation owning or using any poles or appliances for light, heat, or power, or poles used jointly for light, heat, or power wires, and telephone, telegraph, and other signal wires, on which is run any ground or vertical wires, shall cause all such wires, except railway auxiliary negative taps, to be *totally incased in a wooden casing, provided, that where it is necessary to protect any such wires from mechanical injury, a channel iron conduit or metal casing shall be used from the ground to a point at least seven (7) feet above the ground*, the remaining portion to be wholly incased in a casing equal in durability and insulating efficiency to a wooden casing not less than one and one-fourth (1¼) inches thick, except that grounds for four hundred and forty (440) volts or less, and railway auxiliary negative taps, shall be required to be incased down the pole to a point five (5) feet below the lowest cross-arm. All metal casings to be permanently and effectively grounded; provided, that this Section shall be held not to apply to wires or cables which lead from overhead to underground systems, and further provided, that it shall not apply to high-tension lines."

Sec. 2711.1 Rev. Codes amended.

Section 14. That Section 2711.1 of the Revised Codes of Montana of 1935, as amended by Chapter 174, laws of Montana, 1937, be, and the same is hereby amended to read as follows:

Moving of structures—interference with electric wires.

"Section 2711.1. **Moving of Structures—Interference With Electric Wires.** No person, firm or corporation moving, hauling or transporting any house, building, derrick or other structure shall cut, move, raise or in any manner interfere with an electric light or electric power wire or poles, or with telephone or telegraph wires, *cables, messenger wires, guy wires*, or poles, without giving notice to the owner or agent of said wires or poles, as hereinafter provided."

Sec. 2711.4 Rev. Codes amended.

Section 15. That Section 2711.4 of the Revised Codes of Montana, of 1935, as amended by Chapter 174, laws of Montana of 1937, be, and the same is hereby amended to read as follows:

"Section 2711.4. **Interference With Lines.** It shall be unlawful for any person, firm or corporation engaged as principal or *employee* in moving any house, building, der-

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rick or other structure, as provided in the above sections, to move, touch, cut, molest or in any way interfere with any electric light, electric power, telephone or telegraph wires, *cables, messenger wires, or guy wires,* or any poles bearing any such wires, except in compliance with the provisions of this act."

Interference with lines.

Section 16. All acts and parts of acts in conflict herewith are hereby repealed but nothing herein contained shall be construed to repeal Chapter 194 of the session laws of 1939.

Repealing clause.

Section 17. If any Section or any part of any Section of this act shall be declared unconstitutional or invalid it shall not affect the constitutionality or validity of any other Section or any other part of any other Section of this act.

Severability of act.

Section 18. Nothing in this act shall be construed as applying to any electrical construction of any person using such construction for power wires, where such construction and wires and the power plant furnishing electricity therefor are wholly owned by such person, and the electricity conducted thereby is produced and used solely by such person on his own premises, and not sold or delivered to any other person off his premises, and where the wires or construction are not upon or do not cross any highway or public place, or the property of others, and where such wires carry less than two hundred fifty (250) volts of electricity.

Act does not apply —when

Approved March 12, 1941.

CHAPTER 138

An Act Amending Chapter One Hundred Eleven (111) of the Revised Codes of Montana, 1935, by Repealing Sections 1187 to 1197 Inclusive, and Section 1200, Abolishing the State Textbook Commission, All Relating to the State Textbook Commission, and by Adding Thereto Certain Sections Providing for the Adoption of Textbooks by School Superintendents, Principals, and Boards of Education in All Districts Employing an Administrative Head and by the County Superintendent of Schools for All Other Districts Within the County, Upon

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Recommendation of a Committee of Three (3) Persons Appointed by the County Superintendent, Who Are Actually Engaged in Public School Work.

Be it enacted by the Legislative Assembly of the State of Montana:

Sections 1187-1197 inc. and Sec. 1200 Rev. Codes repealed.

Section 1. That Sections 1187, 1188, 1189, 1190, 1191, 1192, 1193, 1194, 1195, 1196, 1197 and 1200 of the Revised Codes of Montana, 1935, relating to the state textbook commission be, and the same are hereby repealed.

Textbooks—conditions for adoption.

Section 2. **Textbooks—License to Sell—Conditions.** Before any person, company, or corporation shall offer to any school district any textbook for adoption, sale or exchange, in the State of Montana, said person, company, or corporation shall comply with the following conditions:

Sworn statement to be filed.

First: Such persons shall file a copy of such textbook in the office of the state superintendent of public instruction, with a sworn statement of the list price; the lowest wholesale price; and the lowest exchange price that will be given when old books in the same subject and of the like kind and grade, but of a different series, are received in exchange, such exchange price to be based on a three (3) year adoption period. Such prices are to be quoted FOB Chicago, FOB San Francisco, FOB any other city from which publishers may ship books, and FOB a textbook depository in Montana.

Written agreement to be filed.

Second: Such persons shall file with the state superintendent of public instruction a written agreement, (1) to furnish said book or books to any school board in the State of Montana at the said lowest price so filed, and to maintain said prices uniformly throughout the State; (2) to reduce such prices automatically in Montana whenever reductions are made elsewhere in the United States; and (3) to guarantee that at no time shall any book so filed by such persons, be sold in Montana at a higher price than is received for such book elsewhere in the United States under similar conditions of transportation and marketing.

Surety bond—condition and amount of.

Third: Such persons shall file and maintain with the secretary of state a surety bond for not less than two thousand dollars ($2,000.00) and not more than ten thousand dollars ($10,000.00), such bond to be in an amount to be fixed by the state superintendent of public instruction and to run to the State of Montana, to be conditioned

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on the faithful performance of all things on the part of such persons to be performed under this act and such bond to be approved by the attorney general. Upon compliance with the foregoing conditions the state superintendent of public instruction shall issue a license to any such person to sell such textbooks to school districts in the State of Montana.

Fourth: License fees. The person receiving such license shall pay a fee of one dollar ($1.00) for each book listed; provided that in the case of several books presented by one publisher in the same subject under the same series head for any one (1) grade, the maximum filing fee in such case shall not exceed three dollars ($3.00). Such moneys received through payment of said filing fees shall be used to defray all expenses incurred under the provisions of this act. Provided that any surplus which might exist at the end of any biennium shall be transferred to the state public school general fund.

License fees.

Section 3. **Same—Failure to Comply—Duties of County Superintendents.** If in any case, such persons shall furnish to any district, books inferior in any particular to the samples on file with the state superintendent of public instruction, or charge a higher price than that filed with the state superintendent of public instruction, or charge a higher price than the same are sold for elsewhere in the United States, then it shall be the duty of the county superintendent of schools on his own initiative or on written complaint filed with him by any authorized representative of any school district in Montana, to inform the state superintendent of public instruction of the failure of any such persons to comply with the terms of his contract. The state superintendent of public instruction shall thereupon notify such person of said complaint, and if such person shall disregard the notification and/or fail to comply immediately with the terms of the agreement filed with the state superintendent of public instruction, then the bond of such person shall be forfeited, and the attorney general shall upon written request of the state superintendent of public instruction proceed to collect by legal action the full amount of the bond of such person, and any amount so recovered shall be paid into the state public school general fund.

Failure to comply—duty of county superintendents.

Section 4. **Same—Special or Abridged Editions.** Whenever the publisher shall prepare an abridged or special

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Special and abridged editions

edition of any of his books listed with the state superintendent of public instruction and shall supply such special edition elsewhere at a lower wholesale price than the wholesale price for the edition filed with the state superintendent of public instruction, the publisher must agree to furnish such special edition at the wholesale price at which it is furnished elsewhere, so long as it is supplied at the said lower price anywhere outside of Montana; and it shall be understood that the bond given by the publisher shall cover this provision as to special editions. In case an action is brought on such bond, the State, if successful, shall recover the full amount of the bond, which amount shall be paid into the state public school general fund.

Attempted combination illegal—duty of attorney general

Section 5. **Same—Attempted Combinations Illegal—Duty of Attorney General.** If at any time any publisher shall enter into any understanding, agreement or combination to control the prices or to restrict competition in the adoption or sale of school books, such conduct shall work a forfeiture of his bond and the Attorney General shall institute and prosecute legal proceedings for the forfeiture of the bond of such publisher, and for the revocation of his license to sell school books in the State.

Failure to place sample on file—penalty.

Section 6. **Same—Failure to Place Sample on File With the State Superintendent of Public Instruction—Penalty.** Any publisher who shall sell or offer for sale or adoption to any school district in the State, school textbooks of any kind without first placing samples of the same on file and obtaining a license therefor from the state superintendent of public instruction shall be guilty of a misdemeanor, and, upon conviction, shall be fined not less than five hundred dollars ($500.00), and not more than two thousand dollars ($2,000.00).

Offering of emolument, money or valuables illegal

Section 7. **Same—Offering of Emolument, Money or Valuables Illegal.** No publisher of school textbooks nor agent of such publisher shall offer or give any emolument, money or other valuable thing, or inducement, to any member of any school board or school official or teacher connected with any of the schools of Montana, for his vote, or promise to vote, or for the use of his influence for the adoption of any school textbook to be used in any of the schools of this state.

No member of any school board or school official connected with any of the public schools of Montana shall

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accept any emolument, money, or other valuable thing or any other inducement from any publisher, or agent of any publisher, for his vote, or promise to vote, or for the use of his influence for the adoption of any school textbooks.

Any publisher of school textbooks, or agent of such publisher, or any member of any school board or public school official in the State of Montana, who violates any of the provisions of this Section, on conviction thereof, shall be punished as for a misdemeanor; and any member of a school board or public school official shall, in addition, be removed from his official position. Penalty

Nothing in this Section shall be construed to prevent any person, publisher, or publisher's agent from supplying for purpose of examination necessary sample copies of school textbooks to any member of a school board, school official or teacher. Exception.

Section 8. **Same—Lists Furnished Boards of Education—Restrictions on Purchase—Filing—Time Effective.** The state superintendent of public instruction shall annually, and at such other time or times as he may deem expedient, beginning on or before August 1, 1941, send to each school official within the State a copy of all lists of school textbooks then on file in his office, showing the prices at which such books may be purchased. Books shall be removed from the list in any one of the following ways: (a) upon written request of the publisher thereof; (b) by action of the state superintendent of public instruction after the book has been on the list for a period of ten (10) years, but such action shall not prevent the publisher from again officially filing such book for listing; (c) by any failure or lapsation of the bond herein provided for. Price lists to be furnished school officials. Removal of books from lists

Section 9. **Adoptions—by Administrative Officers—Period.** On and after the enactment of this law, textbooks for all schools and for all school courses shall be selected by the district superintendent, or by the principal of the school if there be no district superintendent in charge of such school, in either case with the approval of the board of trustees. The textbooks for one (1) and two (2) room schools in districts that have no superintendent or principal other than county superintendent shall be selected by the county superintendent of schools on recommendation of a special committee, composed of Selection of text books—by whom and how.

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three (3) persons actively engaged in public school work during the time of their appointment by the county superintendent of schools. These adoptions shall be for a minimum period of three (3) years. Provided that basal texts shall not be adopted in more than three (3) subjects in any one (1) year.

Construction —vested rights.

Section 10. **Construction—Vested Rights.** This act shall not be so construed as to affect any vested rights now in existence pertaining to the sale of textbooks, nor to apply to the listing and purchase of library books.

Repealing clause.

Section 11. All acts and parts of acts in conflict with this act are hereby repealed.

Effective date.

Section 12. This act shall be in full force and effect from and after its passage and approval.

Approved March 12, 1941.

CHAPTER 139

An Act to Amend Section 1 of Chapter 59 of the Laws of 1939, Defining Terms Used in the Act Relating to Agreements Between the County Commissioners of Any County in This State and the United States Government for the Benefit of Projects by Providing That the Word Project Shall Be Amended to Mean Any Resettlement Project or Rural Rehabilitation Project or to Apply to Lands Purchased by or Belonging to the United States and Located Within the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 1. Chap. 59 Laws of 1939, amended.

Section 1. That Section 1 of Chapter 59 of the laws of 1939, be, and the same is hereby amended to read as follows:

Definitions.

"Section 1. That the following definitions shall be applied to the terms used in this act:

"(1) 'Agreement' shall mean 'contract', and shall include renewals and alterations of a contract.

"(2) 'Board' shall mean the board of county commissioners of any county in this State.

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"(3) 'Political subdivision' shall mean any agency or unit of this State which now is, or hereafter shall be, authorized to levy taxes or empowered to cause taxes to be levied.

"(4) 'Services' shall mean such public and municipal functions as are performed for property in and persons residing within a political subdivision.

"(5) 'United States' shall mean the United States of America.

"(6) 'Project' shall mean any resettlement project or rural rehabilitation project for resettlement purposes of the United States *or any other lands formerly upon the tax rolls and purchased by the United States and used for resettlement, rehabilitation or grazing purposes,* located within *this State or any* political subdivision *thereof,* and shall include the persons inhabiting, *occupying or using any lands so owned or acquired by the United States.* "Project."

"(7) 'Governing body' shall mean the commission, board, body, or persons in which the powers of a subdivision as a body corporate, or otherwise, are vested.

"(8) 'Fund' shall mean, unless otherwise expressed, the 'government project fund' to be established pursuant to Section 6 of this act."

Section 2. All acts and parts of acts in conflict herewith are hereby repealed. Repealing clause.

Section 3. This act shall be in full force and effect from and after passage and approval. Effective date.

Approved March 12, 1941.

CHAPTER 140

An Act to Amend Section 7073, Relating to the Succession and Distribution of the Property of a Decedent by Providing That If a Decedent Leaves No Issue, the Whole of the Estate Shall Go to the Surviving Husband or Wife.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 7073, Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows: Sec. 7073 Rev. Codes amended.

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Succession to and distribution of property.

"Section 7073. When any person having title to any estate not limited by marriage contract dies without disposing of the estate by will, it is succeeded to and must be distributed, unless otherwise expressly provided in this code and the code of civil procedure, subject to the payment of his debts, in the following manner:

If there be a surviving husband or wife and issue of decedent.

1. If the decedent leaves a surviving husband or wife, and only one (1) child, or the lawful issue of one (1) child, in equal shares to the surviving husband, or wife and child, or issue of such child. If the decedent leaves a surviving husband or wife, and more than one (1) child living, or one (1) child living, and the lawful issue of one (1) or more deceased children, one-third (1/3) to the surviving husband or wife, and the remainder in equal shares to his children, and to the lawful issue of any deceased child, by right of representation; but if there be no child of the decedent living at his death, the remainder goes to all of his lineal descendants; and if all the descendants are in the same degree of kindred to the decedent, they share equally, otherwise they take according to the right of representation. If the decedent leaves no surviving husband or wife, but leaves issue, the whole estate goes to such issue; and if such issue consists of more than one (1) child living, or one (1) child living, and the lawful issue of one (1) or more deceased children, then the estate goes in equal shares to the children living, or to the child living, and the issue of the deceased child or children by right of representation.

If decedent leaves no issue.

2. If the decedent leaves no issue, *the whole of the estate shall go to the surviving husband or wife.* If the decedent leaves no issue, nor husband or wife, the estate must go to *the* father and mother in equal shares, or if either be dead then to the other.

If there be neither issue, husband, wife, father nor mother.

3. If there be neither issue, husband, wife, father, nor mother, then in equal shares to the brothers and sisters of the decedent, and to the children of any deceased brother or sister, by right of representation.

If there be a surviving husband or wife, and neither issue, father, mother, brother nor sister.

4. If the decedent leaves a surviving husband or wife, and neither issue, father, mother, brother, nor sister, the whole estate goes to the surviving husband or wife.

5. If the decedent leaves neither issue, husband, wife, father, mother, brother, nor sister, the estate goes to the

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next of kin, in equal degree, excepting that where there are two (2) or more collateral kindred in equal degree, but claiming through different ancestors, those who claimed through the nearest ancestors must be preferred to those claiming through an ancestor more remote.

If there be neither issue, husband, wife, father, mother, brother nor sister.

6. If the decedent leaves several children, or one (1) child, and the issue of one (1) or more children, and any such surviving child dies under age, and not having been married, all the estate that came to the deceased child by inheritance from such decedent descends in equal shares to the other children of the same parent, and to the issue of any such other children who are dead, by right of representation.

If there be one child and issue of one or more children.

7. If, at the death of such child, who dies under age, not having been married, all the other children of his parents are also dead, and any of them have left issue, the estate that came to such child by inheritance from his parent descends to the issue of all other children of the same parent; and if all the issue are in the same degree of kindred to the child, they share the estate equally, otherwise they take according to the right of representation.

If child dies under age, unmarried.

8. If the decedent leaves no husband, wife, or kindred, the estate escheats to the State."

Estate escheats, when.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Approved March 12, 1941.

CHAPTER 141

An Act to Amend Sections 1 and 9 of Chapter 128 of the Session Laws of Montana of 1939 Relating to the Appointment of the Montana State Board of Forestry, and Relating to Assessments Against Owners of Forest Land for Its Protection, and Exemptions From Such Assessments, and to Amend Chapter 128 of the Session Laws of Montana of 1939 by Adding a New Section Thereto Relating to the Right of an Owner of Forest Land to a Hearing Before the Montana State Board of Forestry.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1 of Chapter 128 of the session laws of the twenty-sixth legislative assembly of Montana,

Sec. 1, Chap. 128, Laws of 1939, amended.

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1939, be, and the same is hereby amended to read as follows:

"Section 1. For the purposes of protection and conservation of forest resources, forest range and water, of regulation of stream flow, and of prevention of soil erosion, and for the further purpose of more adequately promoting and facilitating the cooperation, financial and otherwise, between the State of Montana and all of the public and private agencies with which it is now or later may be associated in such work, there is hereby created the Montana state board of forestry, hereinafter designated as the board. The board shall consist of the governor of the State of Montana, who shall be ex-officio chairman of the board, and seven additional members who shall be appointed by the governor as follows:

State board of forestry created.

Membership.

(1) One member of the state water conservation board of Montana, upon the recommendation of this board.

(2) One elector of the State of Montana upon the joint recommendation of the Blackfoot forest protective association and the northern Montana forestry association or their successors.

(3) One elector of the State of Montana upon the joint recommendation of the Montana stock growers' association and the Montana woolgrowers' association or their successors.

(4) One elector of the State of Montana who shall be a representative farm woodland owner, owning not less than forty (40) acres and not more than four hundred (400) acres of forest land classified as such by the board. This member shall be appointed by the governor from individual recommendations to be submitted by the three farmers' organizations—the Montana state grange, the Montana farm bureau federation and the Montana farmers' union or their successors.

(5) One elector of the State of Montana upon the recommendation of the Montana lumber manufacturers' association or its successors.

(6) One elector of the State of Montana who shall be a member of the faculty of the Montana school of forestry upon the recommendation of the president of the Montana state university.

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(7) One elector of the State of Montana on the recommendation of the regional forester, region one, U. S. forest service.

The members appointed shall serve for a term of four (4) years, or during their continuance in office, as the case may be. In the event of death, resignation or disqualification of any member of the board, his successor shall be appointed in the same manner that he was appointed, and shall serve for the remainder of his term. The board shall hold two (2) regular meetings each year at the times and places designated by it. The dates of such regular meetings shall be shown in the permanent minute book of the board and notice of the date, time and place of each meeting shall be given in the manner prescribed by the board. The governor as ex-officio chairman shall designate a member of the board to serve as acting-chairman of the board for such meetings as he personally is unable to attend. The state forester of Montana shall serve as secretary of the said board without compensation for such services or for any work done for the board, other than his regular compensation as state forester of Montana. No compensation shall be paid to any member of the said board by the State of Montana for any services rendered or work done, except that members of the board attending authorized regular or special meetings for transacting official business will be allowed actual expenses in attendance at such meetings. Special meetings may be called in the manner prescribed by the board."

Term of office.

Meetings.

Compensation.

Section 2. That Section 9 of Chapter 128 of the session laws of the twenty-sixth legislative assembly of Montana, 1939, be, and the same is hereby amended to read as follows:

Sec. 9, Chap. 128 Laws of 1939, amended.

"Section 9. Every owner of forest land classified as such by the board is hereby required to furnish protection against the starting or existence, and to suppress the spread, of fire on such land during the full period of each forest fire season defined by this act. Such protection and suppression shall be in conformity with reasonable rules and standards for adequate fire protection to be prescribed by the board. If such owner does not provide for such protection and suppression, said board may provide the same, at a cost of not less than one cent (1c) or more than five cents (5c) per acre per annum, and in the event thereof, the owner of such land shall pay to the county treas-

Duty of owner of classified forest land.

Protection by board, in case of failure of owner to provide.

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urer of the county in which such land is situated, the charge for the same approved by the board, in accordance with the provisions of this act; provided, that for the purposes of this Section, any legal subdivision of not more than one hundred sixty (160) acres of forest land classified as such by the board, to be designated by the owner, shall be deemed by the board to be protected by the owner if more than one-half thereof is within the radius of one mile of a permanent habitation occupied throughout the fire season either by the owner or by someone under the owner's direction, and provided further that the starting, existence and spread of fire on said designated legal subdivision, without immediate and reasonable measures for suppression being taken by said owner or under his direction, shall be prima facie evidence that protection is not being furnished by said owner, and the board shall thereupon provide protection and suppression in accordance with the provisions of this section."

Sub. Sec. (b) of Sec. 4, Chap 128 Laws of 1939, amended.

Section 3. That subdivision (b) of Section 4 of Chapter 128 of the session laws of the State of Montana for 1939 is hereby amended to read as follows:

Lands to which Sections 8 to 13 of act apply.

"(b) Sections 8 to 13 inclusive of this act shall only apply to forest lands within the State of Montana growing commercial or merchantable timber or having a young growth of timber which, in the ordinary course of time, would or will become commercial and merchantable timber, and then only when officially so classified by the board as being such forest lands for which conservation and fire protection measures are reasonably required, but all of the other Sections and parts of this act shall apply to all forest lands within the State of Montana which shall be officially classified by the board as forest lands for which conservation and fire protection measures are reasonably required; provided, that nothing herein contained shall be deemed to prevent or discourage any owner of forest land, classified as such by the board, from paying fire control cost to organized forest protection agencies recognized as such by the board."

Chapter 128, Laws of 1939, amended.

Section 4. Chapter 128 of the session laws of Montana of 1939 is hereby amended by adding a new Section thereto which Section shall read as follows:

"Section 33. *Any owner, or the accredited representative of any owner, of forest land classified as such by the*

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board, within any organized forest protection district, subject to the provisions of the Chapter, shall upon request, be granted a hearing before the board or the executive committee thereof, on any subject pertaining to the activities of the board, or of the state forester as secretary or agent of the board, or any recognized agency as agent of the board, affecting such owner's property; provided, that no request for a hearing before the board shall have the effect of suspending the operations of the board, or any such agent of the board, undertaken pursuant to the provisions of this chapter, but, upon such hearing, the board may terminate such operations if found unreasonable; and, provided further, that any hearing pertaining to costs charged against the forest land of any owner for protection thereof, as provided in Section 9 of this act, must be requested on or before the fifteenth day of August of each year.''

Owner may have hearing before the board.

Section 5. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Approved March 12, 1941.

CHAPTER 142

An Act Providing for the Creation and Appointment of the Montana Preparedness and Advisory Commission and Defining Its Powers and Duties; and Appropriating Money for Carrying Out the Purposes Thereof.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. There is hereby created a commission, consisting of eleven (11) members, to be known as the Montana preparedness and advisory commission. The governor and commissioner of agriculture, labor and industry shall be ex-officio members of such commission, and the governor shall be chairman thereof, and the commissioner of agriculture, labor and industry shall be secretary thereof, and the other members shall be citizens of the State, and be appointed by the governor, of whom two shall be agriculturists, two shall represent the mining industry and two shall represent organized labor. The members of the commission shall serve without pay, but may be allowed necessary traveling expenses incurred in the performance of their duty. All vacancies on the commission shall be filled by appointment by the governor.

Montana preparedness and advisory commission created.

Membership and officers.

Compensation.

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By-laws.

Section 2. Such commission shall have power to adopt by-laws for its government and the convenient transaction of its business and to change such by-laws from time to time, and provide for the discharge of the duties of the commission by subordinate officers, agents, sub-committees and otherwise; to employ such employees as may be necessary and prescribe their duties. All official acts of the commission shall require a majority vote of the commission.

Appointment and duties of three citizens in each county.

Section 3. The chairman of the commission shall have authority to appoint three (3) resident citizens in each of the various counties of the State to perform such duties as the commission may order or require, but the county commission shall have no authority to take affirmative action except upon the direction, advice or consent of the state commission. Members of the county commission shall not be paid any salary or per diem, but may be paid actual expenses when traveling on official business.

Objects and purposes of commission.

Section 4. The objects and purposes of the commission created by this act are to work with the national defense advisory commission to collect and correlate information relative to the resources of Montana that might be valuable or used in any national preparedness program and to furnish the national defense advisory commission with all information that it may desire or require along these lines, and to represent the State of Montana in requesting the government of the United States and its various departments and branches, including the national defense advisory commission, to use the natural resources of the State of Montana and the facilities which Montana has to offer in the way of sites for cantonments, airplane bases, lands for industrial plants for the preparation of war materials and all other purposes in the way of tendering assistance to the government of the United States, and asking the government of the United States to assist for preparedness purposes in the development of the resources of and facilities in the State of Montana, and for these purposes the commission shall have power to subpoena witnesses, direct the state educational institutions and various boards and bureaus of this State to furnish information and do such things and take such action as may be necessary within the purposes contemplated by this act, and for this purpose may issue subpoenas, call, swear and examine witnesses.

Section 5. The commission shall have the power and it

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shall be its duty to at all times cooperate with the military and other officers and agents of the United States government in all matters pertaining to the duties and functions of the commission and the objects sought to be obtained in assisting the government of the United States in any defense program and to prepare a proper defense and shall aid the government of the United States in all matters within the objects and purviews of this act.

Co-operation with United States government.

Section 6. The commission created by this act shall continue in existence so long as the national defense advisory commission shall be in existence and working, but in no event shall it continue to operate and function after the first day of February, 1943, unless the twenty-eighth legislative assembly or an intervening special session of this legislative assembly shall continue its existence or otherwise direct.

Duration of existence of commission.

Section 7. There is hereby appropriated from money not otherwise appropriated the sum of twenty-five hundred ($2,500.00) dollars, to be immediately available for the purpose of carrying out the provisions of this act and the same shall be paid out on order of the commission as provided in its by-laws.

Appropriation for purposes of this act.

Section 8. Be it further enacted that all officers, departments, boards, commissions, institutions and agencies of the State government or any county or municipality in the State shall cooperate with the commission and shall render it such aid and assistance and give it such information as the commission may need or require.

Duty of all public officers and boards to cooperate

Section 9. The provisions of this act are separable and not dependent and if any provision, Section, or part of either is held unconstitutional, the same shall not affect any other part of this act.

Severability of act.

Section 10. This act shall take effect and be in force from and after its passage and approval by the governor.

Effective date.

Approved March 12, 1941.

CHAPTER 143

An Act Authorizing Counties, Cities, Towns and School Districts to Complete Projects Under Construction and Sponsored Prior to March 15, 1941, Under and in Ac-

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cordance With the Provisions of Chapter 85 Session Laws 1937, as Amended by Chapter 209 Session Laws 1939, and to Sponsor Sewing Projects and Projects to Be Constructed by Federal Agencies During the Fiscal Year Beginning July 1, 1941 and Ending June 30, 1942, by Furnishing Materials, Equipment, Rentals, Supplies and Supervision in Connection Therewith; Creating Emergency Relief Fund and Authorizing the Issuance of Anticipatory Emergency Relief Fund Warrants Against Such Funds; and Authorizing the Levying of Special Taxes to Pay Such Warrants; and Declaring an Emergency.

Be it enacted by the Legislative Assembly of the State of Montana:

Political sub-divisions may continue to sponsor incompleted federal projects.

Section 1. In order to complete sewing projects and any project under construction by any federal agency, and sponsored prior to March 15, 1941 by any county, city, town or school district, such county, city, town or school district may furnish such materials, equipment, rentals, supplies and supervision therefor as may be necessary to complete the same, and when no funds or not sufficient funds are available to pay for such materials, equipment, rentals, supplies or supervision, may issue relief fund warrants therefor, in the amount and in the manner hereinafter provided.

Power to sponsor extended one year.

Section 2. Any county, city, town or school district may during the fiscal year beginning July 1, 1941 and ending June 30, 1942, sponsor sewing projects and any project, to be constructed during such year by any federal agency, and provide such materials, equipment, rentals, supplies and supervision as may be necessary therefor, and provide for the payment thereof, in the manner and in the amount hereinafter provided.

Emergency relief fund.

Section 3. Every county, city, town or school district sponsoring any project, as provided in Sections 1 and 2 of this act, shall create and establish a fund to be designated "emergency relief fund", which fund shall consist of any surplus moneys in any other fund which may be lawfully transferred to such fund and the proceeds of any tax levy made therefor in accordance with the provisions of this act. All relief fund warrants issued by any county, city, town or school district in payment for materials, equipment, rentals, supplies and supervision for any project sponsored under the provisions of this act shall be

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drawn against such emergency relief fund and shall be paid from such fund in the order in which issued when moneys become available in such fund for such purpose; provided, however, that the total amount of such emergency relief warrants which may be issued by any county, city, town or school district shall not, principal and interest, exceed the amount which may become available in such fund for their payment.

Sponsorship procedure.

Section 4. The board of county commissioners of any county, council or other governing body of any city or town or board of trustees of any school district proposing to sponsor any project under the provisions of this act, shall adopt a resolution describing briefly the project to be sponsored, the material, equipment, rentals, supplies and supervision to be furnished, the approximate amount to be expended therefor, and the approximate tax levy which will be made in order to pay all emergency warrants with the interest thereon issued in payment thereof. If such resolution be adopted by a board of county commissioners it shall be published one (1) time in the official newspaper of the county, and if adopted by the council or other governing body of a city or town, or board of trustees of a school district, the council, governing body or board adopting the same shall designate some newspaper of general circulation in the county, in which such resolution shall be published. If, before the expiration of thirty (30) days after the publication of such resolution, a petition opposing the sponsoring of the proposed project be presented to the board, council or governing body adopting such resolution, signed by not less than ten per cent (10%) of the qualified electors of the county, city, town or school districts, for which it is proposed to sponsor such project, whose names appear on the last completed assessment rolls of the county, then such project shall not be sponsored, but if no such sufficient petition shall be filed within such time then the board, council or governing body shall have authority to sponsor such project, furnish such materials, equipment, rentals, supplies and supervision as may be required in connection therewith, not exceeding the amount specified in such resolution, and issue emergency relief warrants in payment therefor.

Petition opposing sponsorship of proposed project.

Funds for projects under construction.

Section 5. For the purpose of providing funds for the payment of emergency relief warrants, issued in payment of materials, equipment, rentals, supplies and supervision

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furnished in connection with sewing projects and any project sponsored prior to and under construction on March 15, 1941, with interest thereon, the county, city, town or school district sponsoring such project may levy a

Tax levy

tax of not exceeding five (5) mills on each dollar of the taxable value of the taxable property therein, provided, however, that no property situated in any county shall be subjected to a tax levy for all projects so sponsored by the county and all cities, towns and school districts therein, of more than ten (10) mills. And for the purpose of

Funds for projects sponsored during year of 1941-1942.

providing funds for the payment of emergency relief warrants which may be issued in payment of materials, equipment, rentals, supplies and supervision furnished in connection with any project sponsored by any county, city, town or school district during the year beginning July 1, 1941, and ending June 30, 1942, together with interest thereon, the county, city, town or school district sponsoring such project may levy a tax of not exceeding three (3)

Tax levy

mills on each dollar of the taxable valuation of the taxable property therein, provided, however, that no property situated in any county shall be subjected to a tax levy for all projects so sponsored by the county and all cities, towns and school districts therein, of more than five (5) mills.

Repealing clause.

Section 6. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 7. An emergency is hereby declared to exist and this act shall be in full force and effect on and after its passage and approval.

Approved March 12, 1941.

CHAPTER 144

An Act to Amend Section 562 of the Revised Codes of Montana, 1935, as Amended by Chapter 147 of the Laws of the Twenty-fifth Legislative Assembly of 1937, Providing for the Cancellation of Registry for Failure to Vote or for Voting by Absent Voters Ballot, the Manner of Re-registration Thereafter, and Providing That the Registry Cards of Persons Serving in the Armed Forces of the United States and Who Vote by Absent Voters Ballot During Such Service Shall Not Be Cancelled Under Certain Conditions.

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Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 562 of the Revised Codes of Montana, 1935, as amended by Chapter 147 of the laws of the twenty-fifth legislative assembly of 1937, be, and the same is hereby amended to read as follows:

Sec. 562 Rev. Codes further amended.

"Section 562. Immediately after every general election, the county clerk of each county shall compare the list of electors who have voted at such election in each precinct, as shown by the official poll-books, with the official register of said precinct, and he shall remove from the official register herein provided for the registry cards of all electors who have failed to vote, or who voted by absent voters ballot, at such election, and shall mark each of said cards with the word 'cancelled', and for such electors who voted by absent voters ballot, such electors registry cards shall also be stamped with the words 'voted by absent voters ballot', and shall place such cancelled cards for the entire county in alphabetical order in a separate drawer to be known as the 'cancelled file'; but any elector whose card is thus removed from the official register may re-register in the same manner as his original registration was made, provided, however, that electors whose registry card bears the stamp 'voted by absent voters ballot' may re-register only by personally appearing at the office of the county clerk or any deputy registrar for the purpose of re-registering, and the registration card of any elector who thus re-registers shall be filed by the county clerk in the official register in the same manner as original registration cards are filed. The county clerk shall, at the same time, cancel, by drawing a red line through the entry thereof, the name of all such electors who have failed to vote or who voted by absent voters ballot at such election.

Cancellation of registry for failure to vote in person.

Re-registration.

In the case of any elector, who by reason of his active service in the armed forces of the United States, shall vote or attempt to vote by absent voters ballot, his registry card shall not be removed from the official register or cancelled; provided that such elector shall, within thirty (30) days before or after the day of each election at which he desires to vote, furnish to the county clerk his statement setting forth that he will be or was engaged in active service in the armed forces of the United States on the day of such election, and that his residence is still within the county wherein he is registered. In addition to the foregoing facts there must appear on said statement an endorsement

Electors who are in active military service.

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by a superior officer of the armed unit in which such elector serves to the effect that such elector is serving in the armed forces of the United States as of the date of such endorsement.''

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 12, 1941.

CHAPTER 145

An Act Providing for the Parole of Patients From the State Insane Asylum and for the Revocation of Such Parole and Providing for Furnishing Patients Discharged or Paroled From the State Insane Asylum With Clothes; and Repealing Section 1422 of the Revised Codes of Montana, 1935.

Be it enacted by the Legislative Assembly of the State of Montana:

Exception as to application of act.

Section 1. The provision of this act shall not apply to any patient held upon an order of court or judge in a proceeding arising out of a criminal act.

Parole of patients from state insane asylum.

Section 2. The superintendent of the state insane asylum may grant a parole to a patient under general conditions prescribed by the state board of commissioners for the insane.

Permitting patient to leave.

Section 3. A patient of the state insane asylum may be permitted by the superintendent to leave the institution on parole and remain in the custody of a parent, relative, legal guardian or other person.

Termination of parole.

Section 4. All such patients, while on parole, shall remain in the legal custody and under the control of the state board of commissioners for the insane, and at any time during such parole, upon evidence satisfactory to the superintendent or to the state board of commissioners for the insane, that the parole should terminate, such patient must be returned to the insane asylum. The written order

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of the state board of commissioners for the insane, certified by the superintendent of the insane asylum, shall be sufficient warrant to any officer to retake and return such patient to actual custody in the insane asylum.

Report by person to whom patient is paroled.

Section 5. The person to whom such person shall be paroled shall report the physical, moral and mental condition of the patient to the superintendent either in person or by writing as often and as fully as the superintendent may require, and subject to such recommendations and regulations as the state board of commissioners for the insane may determine. In case of failure so to report on request, the inmate may be returned to the insane asylum. The patient shall be accessible to representatives of the insane asylum.

Support of patient while on parole.

Section 6. The insane asylum paroling a patient as aforesaid shall not be liable for his support while on parole. Such liability shall devolve upon the legal guardian, parent, or person or persons to whose care the patient is paroled, or upon any other person legally liable for his support. The public welfare officials of the county where the patient resides or is found, shall be responsible for providing relief and care for such patient on parole who is unable to maintain himself, or who is unable to secure support from the person in whose care he was paroled, as for any other person in need of relief and care, under the provisions of the public welfare laws. The person in whose care the patient is paroled or any other person legally liable for his support, shall, if such parole be revoked, be liable for any expense incurred by the state or county in procuring the return of such patient to the insane asylum.

Clothing of paroled or discharged patient.

Section 7. No patient or inmate shall be discharged or paroled from the insane asylum without suitable clothing adapted to the season in which he is discharged.

Sec. 1422, Rev. Codes, repealed.

Section 8. That Section 1422 of the Revised Codes of Montana, 1935, shall be and the same is hereby repealed.

Repealing clause.

Section 9. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 10. This act shall be in full force and effect from and after its passage and approval.

Approved March 12, 1941.

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CHAPTER 146

An Act to Amend Sections 1, 5 and 8 of Chapter 176 of the Laws of the Twenty-fifth Legislative Assembly of Montana for 1937; Relating to an Act Providing for Regulation of the Preparation, Possession and Sale of Narcotics in the State of Montana; Defining Certain Words and Phrases in Connection Therewith; Providing for the issuance of Licenses and Qualification Therefor; Defining the Lawful Possession Thereof; Exempting Certain Preparations in Which Narcotics May Be Used; Providing for Certain Records to Be Kept; Providing for the Manner of Keeping, Form and Preservation of Such records; Providing for the Use of Labels on Narcotic Drugs; Defining the Unlawful Possession of Narcotic Drugs; Providing for the Issuance and Execution of Warrants, and for the Seizure of Narcotic Drugs; Providing for the Disposition of Such Narcotic Drugs, Implements, Furniture, Fixtures, Vehicles, and Other Articles so Seized; Defining the Duties of Peace Officers to Arrest Offenders and to Seize Narcotic Drugs; Forbidding the Replevin of Narcotic Drugs and Other Property; Defining Nuisances in Connection Therewith; Defining Certain Powers and Duties of the Secretary of the State Board of Health in Connection with the Provisions of This Act; Relating to Obtaining of Narcotics by Fraud and Deceit; Providing for Enforcement and Cooperation for and in Accordance With the Provisions of This Act; Defining the Effect of Acquittal and Conviction Under the Federal Narcotic Laws; Relating to the Constitutionality of This Act; Relating to the Interpretation of This Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 1, Chap. 176, Laws of 1937, amended.

Section 1. That Section 1 of Chapter 176 of the laws of the legislative assembly of Montana of 1937, be, and the same is hereby amended to read as follows:

Definitions, words and phrases.

"**Definitions, Words and Phrases.** The following words and phrases, as used in this act, shall have the following meanings, unless the context otherwise requires:

(1) "Person" includes any corporation, association, copartnership, or one or more individuals.

(2) "Physician" means a person authorized by law

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to practice medicine in this State and any other person authorized by law to treat sick and injured human beings in this State and to use narcotic drugs in connection with such treatment.

Definitions, words and phrases.

(3) "Dentist" means a person authorized by law to practice dentistry in this State.

(4) "Veterinarian" means a person authorized by law to practice veterinary medicine in this State.

(5) "Manufacturer" means a person who by compounding, mixing, cultivating, growing, or other process, produces or prepares narcotic drugs, but does not include an apothecary who compounds narcotic drugs to be sold or dispensed on prescriptions.

(6) "Wholesaler" means a person who supplies narcotic drugs that he himself has not produced or prepared, on official written orders, but not on prescription.

(7) "Apothecary" means a licensed pharmacist as defined by the laws of this State and, where the context so requires, the owner of a store or other place of business where narcotic drugs are compounded or dispensed by a licensed pharmacist; but nothing in this act shall be construed as conferring on a person who is not registered nor licensed as a pharmacist any authority, right, or privilege, that is not granted to him by the pharmacy laws of this State.

(8) "Hospital" means an institution for the care and treatment of the sick and injured, approved by the secretary of the state board of health as proper to be entrusted with the custody of narcotic drugs and the professional use of narcotic drugs under the direction of a physician, dentist, or veterinarian.

(9) "Laboratory" means a laboratory approved by the secretary of the state board of health as proper to be entrusted with the custody of narcotic drugs and the use of narcotic drugs for scientific and medical purposes and for purposes of instruction.

(10) "Sale" includes barter, exchange, or gift, or offer therefor, and each such transaction made by any person, whether as principal, proprietor, agent, servant or employee.

(11) "Coca leaves" includes cocaine and any compound, manufacture, salt, derivative, mixture, or prepara-

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tion of coca leaves, except derivatives of coca leaves which do not contain cocaine, ecgonine, or substances from which cocaine or ecgonine may be synthesized or made.

(12) "Opium" includes morphine, codeine, and heroin, and any compound, manufacture, salt, derivative, mixture or preparation of opium, but does not include apomorphine or any of its salts.

"Cannabis"

(13) *"Cannabis" includes all parts of the plant cannabis sativa L., whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds, or resin, but shall not include the mature stalks of such plant, fiber produced from such stalks, oil, or cake made from the seeds of such plant, or any other compound, manufacture, salt, derivative, mixture or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of such plant which is incapable of germination.*

(14) "Narcotic drugs" means coca leaves, opium, cannabis, marihuana, Indian hemp, and every substance neither chemically nor physically distinguishable from them.

(15) "Federal narcotic laws" means the laws of the United States relating to opium, coca leaves, and other narcotic drugs.

(16) "Official written order" means an order written on a form provided for that purpose by the United States commissioner of narcotics, under any laws of the United States making provision therefor, if such order forms are authorized and required by federal law, and if no such order form is provided, then on an official form provided for that purpose by the secretary of the state board of health.

(17) "Dispense" includes distribute, leave with, give away, dispose of, or deliver.

(18) "Registry number" means the number assigned to each person registered under the federal narcotic laws."

Sec. 5, Chap. 176, Laws of 1937, amended.

Section 2. That Section 5 of Chapter 176 of the laws of the legislative assembly of Montana 1937, be, and the same is hereby amended to read as follows:

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"Sale on Written Orders.

(1) A duly licensed manufacturer or wholesaler may sell and dispense narcotic drugs to any of the following persons, but only on official written orders: Sale on written order.

(a) To a manufacturer, wholesaler or apothecary.

(b) To a physician, dentist or veterinarian.

(c) To a person in charge of a hospital, but only for use by or in that hospital.

(d) To a person in charge of a laboratory, but only for use in that laboratory for scientific and medical purposes.

(2) A duly licensed manufacturer or wholesaler may sell narcotic drugs to any of the following persons:

(a) On a special written order accompanied by a certificate of exemption, as required by the federal narcotic laws, to a person in the employ of the United States government or of any state, territorial, district, county, municipal, or insular government, purchasing, receiving, possessing, or dispensing narcotic drugs by reason of his official duties. To certain public officers.

(b) To a master of a ship or a person in charge of any aircraft upon which no physician is regularly employed, *or to a physician or surgeon duly licensed in some state, territory, or the District of Columbia to practice his profession, or to a retired commissioned medical officer of the United States army, navy, or public health service employed upon such ship or aircraft*, for the actual medical needs of persons on board such ship or aircraft, when not in port. Provided, such narcotic drugs shall be sold to the master of such ship or person in charge of such aircraft *or to a physician, surgeon, or retired commissioned medical officer of the United States army, navy, or public health service employed upon such ship or aircraft* only in pursuance of a special order form approved by a commissioned medical officer or acting assistant surgeon of the United States public health service. To master of a ship or person in charge of any aircraft.

(c) To a person in a foreign country if the provisions of the federal narcotic laws are complied with.

(3) **Use of Official Written Orders.** An official written order for any narcotic drug shall be signed in dupli-

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cate by the person giving said order or by his duly authorized agent. The original shall be presented to the person who sells or dispenses the narcotic drug or drugs named therein. In event of the acceptance of such order by said person, each party to the transaction shall preserve his copy of such order for a period of two (2) years in such a way as to be readily accessible for inspection by any public officer or employee engaged in the enforcement of this act. It shall be deemed a compliance with this Subsection if the parties to the transaction have complied with the federal narcotic laws, respecting the requirements governing the use of order forms.

Use of official written orders.

(4) **Possession Lawful.** Possession of or control of narcotic drugs obtained as authorized by this Section shall be lawful if in the regular course of business, occupation, profession, employment, or duty of the possessor.

Possession lawful, when.

(5) A person in charge of a hospital or of a laboratory, or in the employ of this State *or of any other state,* or of any political subdivision thereof, *or a master of a ship or a person in charge of any aircraft upon which no physician is regularly employed or a physician or surgeon duly licensed in some state, territory, or the District of Columbia, to practice his profession, or a retired commissioned medical officer of the United States army, navy, or public health service employed upon such ship or aircraft who obtains narcotic drugs under the provisions of this Section or otherwise,* shall not administer nor dispense, nor otherwise use such drugs, within this State, except within the scope of his employment or official duty, and then only for scientific or medicinal purposes and subject to the provisions of this act."

Sec. 8, Chap. 176, Laws of 1937, amended.

Section 3. That Section 8 of Chapter 176 of the laws of the legislative assembly of Montana of 1937, be, and the same is hereby amended to read as follows:

Preparations exempted

"**Preparations Exempted.** Except as otherwise in this act specifically provided, this act shall not apply to the following cases:

(1) *Administering, dispensing, or selling at retail of any medicinal preparation that contains in one fluid ounce, or if a solid or semi-solid preparation, in one avoirdupois ounce, not more than one grain of codeine or any of* its salts.

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(2) *The exemption authorized by this Section shall be subject to the following conditions:*

(a) *That the medicinal preparation administered, dispensed, or sold, shall contain, in addition to the narcotic drug in it, some drug or drugs conferring upon it medicinal qualities other than those possessed by the narcotic drug alone; and*

(b) *That such preparation shall be administered, dispensed, and sold in good faith as a medicine, and not for the purpose of evading the provisions of this act.*

Nothing in this Section shall be construed to limit the *quantity of codeine or of any of its salts* that may be prescribed, administered, dispensed, or sold, to any person or for the use of any person or animal, when it is prescribed, administered, dispensed, or sold, in compliance with the general provisions of this act."

Quantity of codeine or its salts not limited.

Section 4. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 5. This act shall be in full force and effect upon its passage and approval.

Effective date.

Approved March 12, 1941.

CHAPTER 147

An Act to Authorize Counties, Cities, Towns and School Districts to Employ Fiscal Agents to Assist in Refunding Outstanding Bonded Indebtedness.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The governing body of a municipality which desires to effect a compromise, reduction or readjustment of all or any part of its bonded indebtedness, or the interest cost thereof, or to provide for a more orderly payment and retirement of such indebtedness, may employ a person, firm or corporation as fiscal agent for such county, city, town or school district to assist in affecting such compromise, readjustment or refunding of such indebtedness, and, notwithstanding any statutory provision prohibiting the payment of brokerage or other fees, may agree to pay such fiscal agent a reasonable fee for the services in con-

Fiscal agent for county, city, town or school district, employment of.

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Compensation.

nection therewith as may be agreed upon by the governing body of the county, city, town or school district and such fiscal agent, but not exceeding one per centum (1%) of the face amount of the indebtedness compromised, readjusted, or refunded; provided that the municipality shall save at least one-half of one per centum (½%) in interest per annum on the outstanding indebtedness.

Duration of authority.

Section 2. The authority hereby granted shall cease and terminate on the 15th day of September, 1941. This act shall cease to be of any force or effect on such date and no contract made or entered into thereafter shall be lawful or valid; provided that any contract entered into while the provisions of this act are in effect may be completed and fully performed within six (6) months after September 15, 1941.

Repealing clause.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 4. This act shall be in full force and effect from and after its passage and approval.

Approved March 13, 1941.

CHAPTER 148

An Act to Provide for the Payment of Court Costs and Fees and Board of Prisoners in All Highway Patrol Court Cases and Providing for the Deduction of Court Costs and Fees by the Courts and for the Payment of the Expenses of Counties, in the Event Prisoners Have Been Boarded.

Be it enacted by the Legislative Assembly of the State of Montana:

Fines paid by violators arrested by highway patrolmer, disposition of.

Section 1. That the fines and forfeitures collected in any court from persons apprehended or arrested by patrolmen for violations of any of the laws and regulations relating to the use of state highways and the operation of vehicles thereon, must include all court costs and fees; the court after deducting the court costs and fees from said fine, shall immediately transmit the balance of said fine to the state treasurer as provided by law.

Court costs.

In the event no fine is imposed, the court costs and fees and the expenses of the counties, in the event prison-

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ers have been boarded, shall constitute a proper claim against the State of Montana and said claim or claims shall be paid in the manner provided by law out of funds appropriated for such purpose.

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 13, 1941.

CHAPTER 149

An Act Providing for a System of Apprenticeship Whereby Voluntarily Made Agreements of Apprenticeship Would Be Encouraged; Establishing Standards for Such Agreements, Creating an Apprenticeship Council of Apprenticeship and Defining Their Duties Hereunder; Repealing Section 11520 of the Revised Codes of Montana, 1935.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. **Apprenticeship Council.**

Apprenticeship council to be appointed

(a) The commissioner of the department of agriculture, labor and industry shall appoint an apprenticeship council, composed of three (3) representatives each from employer and employee organizations respectively. The terms of office of the members of the apprenticeship council first appointed by the commissioner of the department of agriculture, labor and industry shall be as follows: One (1) representative each of employers and employees shall be appointed for one (1) year, two (2) years, and three (3) years respectively. Thereafter, each member shall be appointed for a term of three (3) years. Each member shall hold office until his successor is appointed and has qualified, and any vacancy shall be filled by appointment for the unexpired portion of the term. The state official who has been designated by the state board for vocational education as being in charge of trade and industrial education and the state official who has immediate charge of the state public employment service shall be ex-officio members of said council without vote.

Members, and term.

Ex-officio members.

Duties of council in general.

(b) Subject to the approval of the federal committee on apprenticeship, the apprenticeship council shall:

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(1) establish standards for apprenticeship agreements in conformity with the provisions of this act;

(2) issue such rules and regulations as may be necessary to carry out the intent and purposes of this act; and

(3) perform such other duties as are hereinafter imposed. Not less than once a year the apprenticeship council shall make a report through the commissioner of the department of agriculture, labor and industry of its activities and findings to the legislature which shall be made available to the public.

Section 2. **Duties of State Apprenticeship Council.** The state apprenticeship council by a majority vote, shall:

Duties of council in particular.

(1) encourage and promote the making of apprenticeship agreements conforming to the standards established by or in accordance with this act;

(2) register such apprenticeship agreements as are in the best interests of the apprenticeship and conform to the standards established by or in accordance with this act;

(3) keep a record of apprenticeship agreements and upon performance thereof issue certificates of completion of apprenticeship;

(4) terminate or cancel any apprenticeship agreements in accordance with the provisions of such agreements; and who

(5) may act to bring about the settlement of differences arising out of the apprenticeship agreement where such differences cannot be adjusted locally or in accordance with the established trade procedure.

Responsibility of boards for vocational education.

Related and supplemental instruction for apprentices, coordination of instruction with job experiences, and the selection and training of teachers and coordinators for such instruction shall be the responsibility of state and local boards responsible for vocational education. The commissioner of the department of agriculture, labor and industry is authorized to appoint such other personnel as may be necessary to aid the apprenticeship council in the execution of their functions under this act.

Section 3. **Local and State Joint Apprenticeship Committees.** Local and state joint apprenticeship commit-

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tees may be approved, in any trade or group of trades, in cities or trade areas, by the apprenticeship council, whenever the apprentice tra' ,ing needs of such trade or group of trades justifies such establishment. Such local or state joint apprenticeship committees shall be composed of an equal number of employer and employee representatives chosen from names submitted by the respective local or state employer and employee organizations in such trade or group of trades. In a trade or group of trades in which there is no bona fide employer or employee organization, the joint committee shall be composed of persons known to represent the interests of employers and of employees respectively, or a state joint apprenticeship committee may be approved as, or the council may act itself as, the joint committee in such trade or group of trades. Subject to the review of the council and in accordance with the standards established by this act and by the council, such committee shall devise standards for apprenticeship agreements and give such aid as may be necessary in their operation, in their respective trades and localities.

Local and state joint apprenticeship committees

Section 4. **Standards for Apprenticeship Agreements.** Standards for apprenticeship agreements are as follows:

Standards for apprenticeship agreements.

(1) A statement of the trade or craft to be taught and the required hours for completion of apprenticeship which shall be not less than four thousand (4000) hours of reasonably continuous employment.

(2) A statement of the processes in the trade or craft divisions in which the apprentice is to be taught and the approximate amount of time to be spent at each process.

(3) A statement of the number of hours to be spent by the apprentice in work and the number of hours to be spent in related and supplemental instruction which instruction shall be not less than one hundred forty-four (144) hours per year.

(4) A statement that apprentices shall be not less than sixteen (16) years of age.

(5) A statement of the progressively increasing scale of wages to be paid the apprentice.

(6) Provision for a period of probation during which the apprenticeship council, when authorized by the council, shall be directed to terminate an apprenticeship agreement at the request in writing of any party thereto. After

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the probationary period the apprenticeship council, when authorized by the council, shall be empowered to terminate the registration of an apprentice upon agreement of the parties.

(7) Provision that the services of the apprenticeship council may be utilized for consultation regarding the settlement of differences arising out of the apprenticeship agreement where such differences cannot be adjusted locally or in accordance with the established trade procedure.

(8) Provision that if an employer is unable to fulfill his obligation under the apprenticeship agreement he may transfer such obligation to another employer.

(9) Such additional standards as may be prescribed in accordance with the provisions of this act.

Apprenticeship agreements, what are.

Section 5. **Apprenticeship Agreements.** For the purpose of this act an apprenticeship agreement is:

(1) An individual written agreement between an employer and apprentice, or

(2) a written agreement between an employer, or an association of employers, and an organization of employees describing conditions of employment for apprentices, or

(3) a written statement describing conditions of employment for apprentices in a plant where there is no bona fide employee organization.

All such agreements shall conform to the basic standards and other provisions of this act.

Limitation.

Section 6. **Limitation.** The provisions of this act shall apply to a person, firm, corporation or craft only after such person, firm, corporation or craft has voluntarily elected to conform with its provisions.

Sec. 11520 Rev. Codes repealed.

Section 7. That Section 11520 of the Revised Codes of Montana, 1935, be, and the same is hereby repealed.

Separability of act.

Section 8. **Separability.** If any provision of this act, or the application thereof to any person or circumstances, is held invalid, the remainder of the act, and the application of such provision to other persons and circumstances, shall not be affected thereby.

Approved March 13, 1941.

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CHAPTER 150

An Act to Insure the Re-employment in State and Civil Employment of Conscriptees and Volunteers Under the Federal Selective Training and Service Act of 1940, and National Guard and Reserve Officers Mobilization Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Persons completing naval or military service, right of to re-employment.

Section 1. Any person inducted into the land or naval forces of the United States, as a result of the operation of the "selective training and service act of 1940", or the "national guard and reserve officers mobilization act", Pub. act No. 783 and Pub. Res. No. 96, seventy-sixth congress, who has satisfactorily completed his period of training and service as attested by a certificate to that effect shall be re-employed in the position he left in order to perform such training and service if (1) he is still qualified to perform the duties of such position, (2) the position he formerly held was not a temporary one and (3) he makes application for re-employment within forty days after he is retired from training service.

Duty of employer.

Section 2. If such person was in the employ of a private employer, such employer shall restore such person to such position or to a position of like seniority, status and pay unless the employer's circumstances have so changed as to make it impossible or unreasonable to do so.

Seniority and other.

Section 3. Any person who is restored to a position in accordance with this act shall be considered as having been on leave of absence during his period of training or service in the land or naval forces of the United States, and at the expiration of such period shall be entitled to be restored to his employment without loss of seniority, shall be entitled to participate in insurance or other benefits offered by the employer in accordance with established rules and practices relating to employees on leave of absence, and shall not be discharged from such position without cause within one year after restoration.

Procedure for enforcement of right.

Section 4. In case any private employer refuses to re-employ any person entitled to re-employment under the provisions of this act, the district court of the judicial district, in which such private employer maintains his place of business shall have power, upon the filing of a motion,

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petition, or other appropriate pleading by the person entitled to such benefits to specifically require such employer to comply with this act, and, as an incident thereto, to compensate such person for any loss of wages or benefits suffered by such employer's unlawful action. Upon application to the county attorney of the county in which such private employer maintains a place of business, by any person claiming to be entitled to redress under this act, shall appear and act as attorney for such person in the amicable settlement of the claim or in the filing of any motion, petition, or other appropriate pleading to specifically require such employer to comply with such provisions. No fees or court costs shall be taxed against the person applying for such benefits.

Duty of unemployment compensation department.

Section 5. The re-employment division of the unemployment compensation department shall render aid in the replacement in their former positions of or in securing new positions for the persons mentioned in Section 1.

Policy with respect to members of communist party or German-American bund.

Section 6. It is expressed policy of the legislature of the State of Montana that wherever a vacancy is caused in the employment rolls of any business or industry by reason of induction into the service of the United States of an employee pursuant to the provisions of said selective training act of 1940, or the national guard and reserve officers mobilization act such vacancy shall not be filled by any person who is a member of the communist party or the German-American bund.

Approved March 13, 1941.

CHAPTER 151

An Act to Amend Section 6707 of the Revised Codes of Montana of 1935, Relating to Limitation of the Term of Leases of Agricultural Lands.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec.6707 Rev. Codes amended.

Section 1. That Section 6707 of the Revised Codes of Montana of 1935, be, and the same is hereby amended so as to read as follows:

"Section 6707. **Leases of Agricultural and Other Lands.** No lease or grant of agricultural lands for agricultural

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purposes, for a longer period than ten (10) years, in which shall be reserved any rent or service of any kind, shall be valid; provided, that the foregoing shall not limit or affect leases with option to purchase made by the farm security administration of the United States department of agriculture, *but leases or grants of lands, lying outside the limits of cities and towns, for any purpose, other than for agricultural purposes, may be for such period as may be agreed to by the parties to such leases or grants.*"

Leases of agricultural and other lands.

Section 2. All acts and parts of acts in conflict with this act are hereby repealed.

Repealing clause.

Section 3. This act shall be in full force and effect from and after the date of its passage and approval.

Effective date.

Approved March 13, 1941.

CHAPTER 152

An Act Providing "Transportation" Services for All Public School Pupils Residing Three or More Miles From an Open Public School; Defining "Transportation" for the Purpose of This Act so as to Include Services Furnished in Lieu of "Transportation"; Providing That School Boards May Operate Buses and Contract for "Transportation" of Pupils; Providing That School Boards May Close Schools and Transport Pupils to Another School and Providing That School Boards Shall Pay for Its Pupils Attending School in Another District, Defining the Duties of Teachers and County Superintendents in Such Cases; Providing That No School Money Shall Be Expended for "Transportation" Except to Persons or Firms Holding Legal Contracts for the Same; Providing for the Letting of Such Contracts and Filing of the Same; Providing Requirements as to Buses, Drivers, and the Operation of Buses, Fixing the Amount of Liability Insurance to Be Carried by School Districts, Fixing a Schedule for Individual "Transportation" and Setting Forth Limitations and Exceptions; Providing That Any Child Attending Other Than a Public School May Ride on a School Bus; Designating Who Is Eligible to Receive "Transportation" From School Districts; Providing for the Measurement of "Transportation", Distances in Dispute and the Settlement of "Transpor-

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tation'' Matters in Controversy; Providing for State Reimbursement for ''Transportation'' and Limiting the Amount Thereof; Providing a Budget and Levy for ''Transportation''; and Repealing Section 1010 of the Revised Codes of Montana, 1935.

Be it enacted by the Legislative Assembly of the State of Montana:

Boards of trustees may furnish transportation or correspondence study to certain pupils.

Section 1. **Boards of Trustees to Furnish Transportation.** The board of trustees of any school district or county high school within the State of Montana shall have the power to furnish transportation to and from school for all pupils residing within their district, who are enrolled in the public schools of their district, and who reside three (3) or more miles distant, over the nearest practical route, from a public elementary or secondary school. Provided, that, school boards may in lieu of transportation furnish supervised correspondence study, supervised home study; room, rent, or board; but any sum expended in lieu of transportation shall not exceed the per pupil cost set up by schedule in Section 7 of this act.

Transportation defined.

Section 2. **Meaning of the Term "Transportation".** Unless a different meaning is plainly required by the context, ''transportation'' shall, in this act, mean (1) the actual transporting of pupils who live three (3) or more miles distant from a public school, by bus, rail or otherwise; (2) the providing of any services whereby the school board is relieved of actually transporting such pupils, such as paying parent or guardian for transportation, paying rent or board or any part thereof and providing supervised correspondence study or supervised home study.

Board may operate buses or contract for transportation.

Section 3. **School Board May Operate Buses or Contract for Transportation of Pupils.** The board of trustees shall have the power to purchase, or rent and provide for the upkeep, care and operation of school buses; or to contract and pay for the transportation of eligible pupils, such contracts to run for terms not to exceed three (3) years.

Schools may be closed and pupils transported to other schools.

Section 4. **School Boards May Close Schools and Transport Pupils to Other Schools.—District to Support Schools of Other Districts.** The board of trustees shall have the power to close any elementary school within the district, and transport the pupils to another school or schools within the district, or to a school or schools in other

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districts, when the board deems such act to be for the best interests of all of the pupils attending school. Trustees of other districts may accept the entrance of children from closed schools to their schools; provided, further, that, whenever a district is thus relieved of the necessity of furnishing schooling for any or all of its pupils, it shall be the duty of the school board of such district to assist in the support of the school which the children of such district are attending, in proportion to the relation that the number of children from such district, bears to the total number of children enrolled in the school which they are attending, and in proportion to the time they attend; provided, further, that the trustees of districts furnishing schooling for pupils of other districts, may waive any or all compensation to which they would be entitled by this Section. For the purpose of determining said proportionate share which a school district shall pay to another district for the maintenance of the school to which its children are transported, the amount paid by the district maintaining the school for the transportation of its own children and the amount received from the state public school general fund on the teacher unit basis, shall first be deducted. The balance of costs remaining shall then be shared proportionately as provided above. Teachers of schools providing schooling for children of other districts, shall furnish all information regarding attendance as required by the county superintendent of schools, within one (1) week after school closes; and the county superintendent shall, before August 1, notify the trustees of districts from which such pupils come, of the sum to be transferred by them, as herein provided; and in case trustees fail to make such transfer, the county superintendent is authorized to order the county treasurer to adjust such transfers between districts and counties, on or before August 1, of each fiscal year; and the estimated revenue or deductions, for such transfers, must be considered when the budgets of the districts affected are prepared. Notices of transferred amounts must be sent to the school district clerks, of the districts paying the transfers, and the districts receiving the transfers, in time to reach the district clerks before the date set for the district budget meeting.

Support of school in other district to which pupils are transported.

Section 5. **Contracts for Transportation.** No school money shall be paid for transportation services, or for anything in lieu of transportation, to any person, or firm, who or which does not hold a legal contract with the trustees of

Payment for transportation, restrictions upon.

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the district; and no payments shall be made for any days that transportation, or services in lieu thereof, for the children mentioned in the contract, is not actually furnished unless such failure to perform is excused by the board of trustees for reasons not under the control of said person or firm.

Contracts for —forms and execution of.

Contract forms for transportation, with minimum requirements, shall be prepared by the state superintendent of public instruction; and the county superintendent shall furnish the contract blanks to district clerks. All contracts for transportation, or anything in lieu of transportation, must be drawn in triplicate, signed by both the district clerk and the chairman of the school board, and by the parents or legally appointed guardian of the children receiving transportation; except that when transportation is furnished by a carrier, the contract shall be signed by the district clerk, the chairman of the school board and by the carrier. One copy must be filed in the office of the county superintendent of schools, one copy retained by the district clerk and one copy given the person furnishing such service. The county superintendent of schools shall send a notice to the county treasurer, immediately after receiving a copy of each contract, which notice shall acquaint the county treasurer with the names of the contracting parties, the number of the district paying transportation, and the amount of the contract. The county treasurer shall not honor any warrant drawn in excess of the total monthly, or six-weeks transportation payment, allowed by contract, and positively shall honor no warrant drawn upon a district which does not hold a contract.

Limitations upon payments for transportation.

Trustees shall not pay any contract installment, for transportation or services in lieu thereof, before such service has been rendered nor before the district clerk receives a report from the teacher of the school where the children, receiving transportation are attending. Such report must contain a record of attendance for the monthly or six-weeks transportation period being paid for; and must state the actual number of days children were actually transported, provided, that, such reports shall not apply to regularly contracted bus transportation. It shall be the duty of all public school teachers to make such reports as are hereby required. No parent or guardian may be paid transportation for any day that children, living three (3) or more miles from school, walk to and from school. Payments for transportation furnished one (1) way, on any school day,

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may be allowed; and the payment for that day shall not exceed one-half (½) of the amount stipulated in the contract, for one (1) day. Before contracts are awarded to a common carrier, the board shall secure bids, by publishing a call for bids in three (3) issues of a newspaper having general circulation in the county, during a period of twenty-one (21) days prior to the letting of the contract; provided, that, in the event there is no newspaper published in the county, three (3) notices, calling for bids, shall be posted in three (3) separate and conspicuous places in the district. The board shall let the contract to the lowest responsible bidder; provided, that the board shall have the right to reject any and all bids.

Bids required in case of contract to common carrier.

Section 6. **Requirements as to Buses, Drivers and Operation of School Buses.** Any person or persons having a contract to transport school children, or any school district owning and operating its own school buses, shall comply in every respect, with the provisions of Chapter 110 of the political code of the Revised Codes of Montana, 1935; provided, that, the board of trustees may require added safeguards, by supplementing in the contract the provisions of said Chapter, with additional regulations relating to bus specifications, age of drivers, liability insurance and operating speed; provided, that, a district, owning and operating its own bus or buses, must carry personal liability insurance in the amount of not less than ten thousand ($10,000.00) dollars if only one (1) bus is operated, or an aggregate blanket amount of not less than fifteen thousand ($15,000.00) dollars, if two (2) or more buses are operated.

Requirements as to buses, drivers and operation of school buses.

Section 7. **Schedule for Paying for Individual Transportation, Rent, or Board in Lieu of Bus Transportation Provided by the District.** The board of trustees may pay to the parents or legally appointed guardian of each child, eligible to transportation under this act, board or rent or provide transportation for the child, the amount called for under the following schedule in lieu of furnishing bus transportation:

Schedule of payments in lieu of bus transportation.

(1) Three (3) to less than five (5) miles, one (1) child, twenty-five cents (25c) per day for each day attended; for each additional child ten cents (10c), but not to exceed fifty-five cents (55c) per day for all children residing in the same household and attending a public school.

(2) Five (5) to less than seven (7) miles, one (1) child, thirty cents (30c); for each additional child ten

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cents (10c), but not to exceed seventy cents (70c) per day for all children residing in the same household and attending a public school.

(3) Seven (7) to less than twelve (12) miles, one (1) child forty cents (40c); for each additional child, ten cents (10c) but not to exceed eighty-five cents (85c) per day for all children residing in the same household and attending a public school.

(4) Twelve (12) miles or over, one (1) child, fifty cents (50c) per day; for each additional child ten cents (10c) but not to exceed one ($1.00) dollar per day for all children residing in the same household who are eligible for transportation.

(5) School children living within one and one-half (1½) miles of an established bus route shall not be eligible for transportation aid, other than the services of the established route. Children living more than one and one-half (1½) but less than three (3) miles from such route shall receive transportation aid of one-half (½) the rates given in Subsection one (1) of the schedule set up in this Section. Children living three (3) miles or more from such bus route shall receive transportation aid on the basis provided in the schedule fixed in this Section.

(6) This schedule shall not be so construed as to permit elementary and high school pupils to be counted as coming from separate households, except, when said children are compelled to attend public schools in entirely different communities and cannot thus be transported in the same conveyance, nor cared for in the same community.

Transportation within a city excepted.

(7) The limitations of this act shall not apply to transportation within a city when the board of trustees find it economical, convenient or desirable to transport children for a distance less than three (3) miles in order to relieve congestions in a school building or to prevent the erection of new buildings, or when children live on an established bus route and less than three (3) miles from schools provided, that, no state reimbursement shall be paid for such transportation.

Schedule, alteration of, when.

(8) In isolated cases where it will be more economical and desirable to close a school and board a pupil or pupils in a private home or in a dormitory, this schedule may be altered by the county superintendent of schools with the consent of the state superintendent of public instruction.

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(9) Except as provided above, this schedule shall not be altered by any authority, other than the legislative assembly of the State of Montana.

Child attending other than a public school.

Section 8. **Attending Other Than Public School.** Any child attending other than a public school may secure from the clerk of the school district a permit to ride on a public school bus, provided, that, for such service the parents or guardian of the child shall pay their proportionate share of the cost of such transportation.

Children eligible to receive transportation aid.

Section 9. **Children Eligible to Receive Transportation Aid.** Any child, not younger than six (6) nor older than twenty-one (21) years, whose residence is in the State of Montana, three (3) or more miles distant, over the shortest practical road, from the nearest open public elementary or public secondary school (disregarding district and county boundary lines) of the State of Montana; or whose residence is one and one-half (1½) or more miles, over the shortest practical road, from the nearest point of an established public school bus route, is entitled to transportation for each day he attends a Montana public school; provided, that, such child must reside with his parents or legally appointed guardian, and his parents or guardian must maintain a permanent home within the boundaries of the district paying transportation. Provided, further, that his family or part of his family may move into another district for school purposes; and he may live with his family or a part of his family in another district for the duration of the school term for which he is collecting transportation, or he may board and room away from home for the duration of the school term. Provided, further, that the terms of Section 5, of this act, must be carried out before he is eligible to receive transportation.

Determining residence when in dispute.

Section 10. **Determining Residence When in Dispute.** The members of the board of trustees and the county superintendent of schools shall investigate and determine residence whenever a disagreement arises over eligibility to receive transportation aid. Provided, that, anyone feeling dissatisfied with the decision of the trustees and county superintendent of schools shall have the right to appeal to the state superintendent of public instruction.

Measurement of distances in dispute.

Section 11. **Measurement of Distances in Dispute.** Distances in dispute, between a residence and the nearest open school (disregarding district and county boundary lines)

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must be measured with a car, equipped with an accurate speedometer; and such car must be driven under the supervision of the county superintendent of schools. A member of the district school board, paying the transportation, or the district school clerk, and a parent or guardian of the child to be transported, may accompany the officer measuring the route. The measurement must begin one (1) rod from the family home, and end one (1) rod from the entrance of the school grounds nearest the route. The road must be reasonably passable by motor car during the time school is in session; provided, that, the acts of nature such as temporary rains, floods, snow, etc., shall not disqualify the route; provided, further, that routes impassable by car, over which children may ride horses, or be transported by horsedrawn vehicles in reasonable comfort, may be declared the nearest practical routes by the board of county commissioners.

Settlement of transportation matters in controversy.

Section 12. **Settlement of Transportation Matters in Controversy.** All transportation matters, in controversy shall be settled by the county superintendent of schools. Provided, that, if the applicant for transportation feels that he has not met with justice in the decision of the county superintendent of schools, he may appeal to the state superintendent of public instruction; in which case, the county superintendent shall send to the state superintendent of public instruction all data and evidence connected with the case.

Reimbursement by state.

Section 13. **Reimbursement by State.** Each school district and each county high school meeting the requirements of this act shall be entitled to reimbursement from the state public school general fund in an amount not to exceed one-half (½) of the actual cost of transportation or services rendered in lieu of transportation semi-annually on presentation to the state superintendent of public instruction, through the office of the county superintendent of schools, of certified claims for such reimbursement using for such purpose forms provided by the state superintendent of public instruction. Such reimbursement shall be made in accordance with the provisions of Sections 1200.1, 1200.6, 1200.7 and 1200.9 of the Revised Codes of Montana, 1935, except that the schedule provided in this act for individual transportation or services in lieu thereof shall be used instead of any schedule which may have been heretofore or may hereafter be fixed and promulgated by

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the state board of education. In determining the cost of transportation or services in lieu thereof no amount shall be included except those which have been paid out by a school district or county high school, in the regular manner provided for the payment of other financial obligations for the maintenance of their schools. Under extraordinary conditions upon the recommendations of the county superintendent and board of county commissioners, the state superintendent of public instruction and the state board of education may permit the payment of one-half (½) of the actual cost of transportation as provided in this act even though the school district or county high school does not provide the other half. The total amount to be paid from the state public school general fund for transportation or services in lieu thereof, shall not in any one (1) year exceed the sum of three hundred thousand ($300,000.00) dollars. If the total requests for state transportation aid as shown by approved certified claims shall exceed that amount, the payments shall be prorated, on the ratio that the total of all claims is to three hundred thousand ($300,000.00) dollars.

Total amount of reimbursement limited.

Section 14. **Budget and Levy for Transportation.** The board of trustees of any school district and/or any county or district high school shall have the authority to, and such boards shall provide a budget to cover the transportation or services in lieu thereof, provided for in this act and the board of county commissioners shall have the authority to and shall make such levy or levies as may be necessary to raise sufficient moneys to pay any balance of the cost of transportation as set up in the budget which may remain after the estimated reimbursement from the state funds for transportation has been deducted. Provided, that, the levy for high school transportation shall not be considered a part of the maximums for making high school budgets set forth in Section 1263.5 of the Revised Codes of Montana, 1935, as amended, and shall not be a part of the county-wide levy provided for in Section 1263.11, of the Revised Codes of Montana, 1935, as amended, unless the trustees making such budget so desire and the board of county commissioners find that such extra levy is not needed to raise the amount necessary to cover the budget for all purposes including transportation. Provided, further, that the levies for the transportation of public school elementary children shall be made in accordance with any one (1) or more of the following provisions:

Budget and levy for transportation.

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Levy upon taxable property of district.

1. The levy for transportation shall first be applied to the taxable property of the district when and only when the ten (10) mill levy provided in Section 1203 of the Revised Codes of Montana, 1935, is adequate to cover the district budget for all maintenance and operation purposes and in addition the amount needed for the transportation of public elementary school children.

County-wide levy, when.

2. When the elementary school transportation budget for any or all districts requires a levy or levies in excess of ten (10) mills upon the property of the district or districts, a county-wide levy shall be made. Such county-wide levy shall be a part of the school levy provided in Section 1202 of the Revised Codes of Montana, 1935, and shall be that part which is in excess of six (6) but not in excess of eight (8) mills as provided in said Section. The proceeds of such county-wide elementary school transportation levy if made shall be divided among those districts in the county which have elementary school transportation budgets and which have district levies of at least ten (10) mills. Such division shall be in the proportion that that part of each of the several district's elementary school transportation budget, which requires a district levy in excess of ten (10) mills, bears to the total of such district transportation budgets for the whole county.

Additional levy, when.

3. If after the transportation aid from the State and the income from the levies provided for above have been deducted from the amount required for elementary school transportation budgets, additional funds are required to cover such budgets, then the county commissioners shall make such additional levy or levies on the taxable property of the school district or districts as may be needed to meet such additional amount required for such budget or budgets.

Sec. 1010 Rev. Codes repealed.

Section 15. That Section 1010 of the Revised Codes of Montana, 1935, is hereby repealed.

Severability of act.

Section 16. If any section, subdivision, paragraph, sentence, clause or part of this act is declared to be unconstitutional, the remainder of this act shall not thereby be invalidated.

Repealing clause.

Section 17. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 13, 1941.

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CHAPTER 153

An Act to Amend the Housing Authorities Law by Amending Section 5309.2 of Chapter 404 of the Revised Codes of Montana of 1935, Providing for a Finding and Declaration of Necessity for Slum Clearance and Projects to Provide Housing Accommodations for Persons of Low Income in Urban and Rural Areas of the State by Amending Section 5309.10 of Said Chapter, Providing for the Cooperation of Housing Authorities; by Repealing Section 5309.25 of Said Chapter, Which Provides That Bonds of Housing Authorities Are Legal Investments; by Incorporating a New Section in Said Chapter, to Be Known as Section 5309.25, Granting Additional Powers to Housing Authorities in Relation to Contracts; and by Incorporating New Sections in Said Chapter, to Be Known as Sections 5309.27A, 5309.27B, 5309.27C, 5309.27D, 5309.27E and 5309.27F, Providing for the Creation of Housing Authorities for Counties and Defining Their Powers, Authorizing Such Authorities to Undertake Housing Projects for Farmers of Low Income, and Providing That Housing Projects Shall Not Be Operated for Profit.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 5309.2 Rev. Codes amended.

Section 1. That Section 5309.2 of Chapter 404 of the Revised Codes of Montana of 1935 be, and the same is hereby amended to read as follows:

Finding and declaration of necessity.

"Section 5309.2. **Finding and Declaration of Necessity.** It is hereby declared that unsanitary or unsafe dwelling accommodations exist in *urban and rural areas throughout* the State and that such unsafe or unsanitary conditions arise from overcrowding and concentration of population, the obsolete and poor conditions of buildings, improper planning, excessive land coverage, lack of proper light, air and space, unsanitary design and arrangement, lack of proper sanitary facilities, and the existence of conditions which endanger life or property by fire and other causes; that in such *urban and rural areas* many persons of low income are forced to reside in unsanitary or unsafe dwelling accommodations; that in such *urban and rural areas* there is a lack of safe or sanitary dwelling accommodations available to all the inhabitants thereof and that consequently many persons of low income are forced to occupy

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over-crowded and congested dwelling accommodations; that these conditions cause an increase in and spread of disease and crime and constitute a menace to the health, safety, morals and welfare of the citizens of the State and impair economic values; that *these* conditions cannot be remedied by the ordinary operations of private enterprises; that the clearance, replanning and reconstruction of the areas in which unsanitary or unsafe housing conditions exist and the providing of safe and sanitary dwelling accommodations for persons of low income are public uses and purposes for which public money may be spent and private property acquired; that it is in the public interest that work on such projects be instituted as soon as possible; and that the necessity for the provisions hereinafter enacted is hereby declared as a matter of legislative determination *to be in the public interest.*"

Sec. 5309.10 Rev. Codes amended.

Section 2. That Section 5309.10 of Chapter 404 of the Revised Codes of Montana of 1935 be, and the same is hereby amended to read as follows:

Cooperation between housing authorities.

"Section 5309.10. **Cooperation Between Housing Authorities.** Any two (2) or more housing authorities may *join or* cooperate with one another in the exercise of any or all of the powers conferred *on such housing authorities* for the purpose of financing, planning, *undertaking,* constructing or operating a housing project or projects located *within the area of operation of any one or more of such housing authorities.*"

Sec. 5309.25 Rev. Codes repealed.

Section 3. That Section 5309.25 of Chapter 404 of the Revised Codes of Montana of 1935 be, and the same is hereby repealed.

Chapter 404 Rev. Codes amended.

Section 4. That Chapter 404 of the Revised Codes of Montana of 1935 be, and the same is hereby amended by incorporating therein following Section 5309.24 of said Chapter a new Section to be known as Section 5309.25 to read as follows:

Additional power of authority.

"Section 5309.25. *Additional Powers of Authority. A housing authority shall have the power (notwithstanding anything to the contrary contained in this act or in any other provision of law) to include in any contract let in connection with a project, stipulations requiring that the contractor and any subcontractor comply with requirements as to minimum wages and maximum hours of labor,*

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and comply with any conditions which the federal government may have attached to its financial aid of the project."

Chap. 404 Rev. Codes further amended

Section 5. That Chapter 404 of the Revised Codes of Montana of 1935 be, and the same is hereby amended by incorporating therein following Section 5309.27 of said Chapter, six (6) new Sections to be known as Sections 5309.27A, 5309.27B, 5309.27C, 5309.27D, 5309.27E and 5309.27F to read as follows:

Petition for county authority.

"Section 5309.27A. *Notice, Hearing and Creation of Authority for a County. Any twenty-five (25) residents of a county may file a petition with the county clerk setting forth that there is a need for an authority to function in the county. Upon the filing of such a petition the county clerk shall give notice of the time, place and purposes of a public hearing at which the board of county commissioners will determine the need for an authority in the county. Such notice shall be given at the county's expense by publishing a notice, at least ten (10) days preceding the day on which the hearing is to be held, in a newspaper having a general circulation in the county or, if there be no such newspaper, by posting such a notice in at least three (3) public places within the county, at least ten (10) days preceding the day on which the hearing is to be held.*

Notice of hearing.

"Upon the date fixed for said hearing held upon notice as provided herein, an opportunity to be heard shall be granted to all residents and taxpayers of the county and to all other interested persons. After such a hearing, the board of county commissioners shall determine (1) whether unsanitary or unsafe inhabited dwelling accommodations exist in the county, and/or (2) whether there is a lack of safe or sanitary dwelling accommodations in the county available for all the inhabitants thereof. In determining whether dwelling accommodations are unsafe or unsanitary, the board of county commissioners shall take into consideration the following: the physical condition and age of the buildings; the degree of over-crowding; the percentage of land coverage; the light and air available to the inhabitants of such dwelling accommodations; the size and arrangement of the rooms; the sanitary facilities; and the extent to which conditions exist in such buildings which endanger life or property by fire or other causes.

Matters to be determined by county commissioners.

"If it shall determine that either or both of the above enumerated conditions exist, the board of county commis-

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Appointment of commissioners to act as authority.

sioners shall adopt a resolution so finding (which need not go into any detail other than the mere finding) and shall thereupon appoint, as hereinafter provided, five (5) commissioners to act as an authority. Said authority shall be a public body and a body corporate and politic upon the completion of the taking of the following proceedings:

Further procedure—application to be presented to secretary of state.

"The commissioners of the authority shall present to the secretary of state an application signed by them which shall set forth (without any detail other than the mere recital) (1) that a notice has been given and public hearing has been held as aforesaid, that the board of county commissioners made the aforesaid determination after such hearing and appointed them as commissioners; (2) the name, and official residence of each of the commissioners, together with a certified copy of the appointment evidencing their right to office, the date and place of induction into and taking oath of office, and that they desire the housing authority to become a public body and a body corporate and politic under this act; (3) the term of office of each of the commissioners; (4) the name which is proposed for the corporation; and (5) the location of the principal office of the proposed corporation. The application shall be subscribed and sworn to by each of said commissioners before an officer authorized by the laws of the State to take and certify oaths, who shall certify upon the application that he personally knows the commissioners and knows them to be the officers as asserted in the application, and that each subscribed and swore thereto in the officer's presence. The secretary of state shall examine the application and if he finds that the name proposed for the corporation is not identical with that of a person or of any other corporation of this State or so nearly similar as to lead to confusion and uncertainty he shall receive and file it and shall record it in an appropriate book of record in his office.

Authority becomes a body corporate and politic.

"When the application has been made, filed and recorded, as herein provided, the authority shall constitute a public body and a body corporate and politic under the name proposed in the application; the secretary of state shall make and issue to the said commissioners, a certificate of incorporation pursuant to this act, under the seal of the State, and shall record the same with the application.

"The area of operation of such authority shall include

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said county, but in no event shall it include any city of the first or second class.

Denial of petition by county commissioners.

"If the board of county commissioners, after a hearing as aforesaid, shall determine that neither of the above enumerated conditions exist, it shall adopt a resolution denying the petition. After three (3) months shall have expired from the date of the denial of any such petitions, subsequent petitions may be filed as aforesaid and new hearings and determinations made thereon.

Certificate of incorporation is proof of legal establishment of authority

"In any suit, action or proceeding involving the validity or enforcement of, or relating to any contract of the authority, the authority shall be conclusively deemed to have been established in accordance with the provisions of this act upon proof of the issuance of the aforesaid certificate by the secretary of state. A copy of such certificate, duly certified by the secretary of state, shall be admissible in evidence in any such suit, action or proceeding, and shall be conclusive proof of the filing and contents thereof.

Commissioners of housing authority for county—appointment, removal and functions of.

"Section 5309.27B. *Commissioners and Powers of Authority for a county. The commissioners of a housing authority created for a county may be appointed and removed by the board of county commissioners of the county in the same manner as the commissioners of a housing authority created for a city may be appointed and removed by the mayor, and except as otherwise provided herein, each housing authority created for a county and the commissioners thereof shall have the same functions, rights, powers, duties and limitations provided for housing authorities created for cities and the commissioners of such housing authorities; provided, that for such purposes the term "mayor" or "council" as used in the housing authorities law and any amendments thereto shall be construed as meaning "board of county commissioners", the term "city clerk" as used therein shall be construed as meaning "county clerk" and the term "city" as used therein shall be construed as meaning "county" unless a different meaning clearly appears from the context.*

Powers of county authorities.

"Section 5309.27C. *Rural Housing Projects. Housing authorities created for counties are specifically empowered and authorized to borrow money, accept grants and exercise their other powers to provide housing for farmers of low income. In connection with such projects, such housing authorities may enter into such leases or pur-*

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chase agreements, accept such conveyances and rent or sell dwellings forming part of such projects to or for farmers of low income, as such housing authority deems necessary in order to assure the achievement of the objectives of this act. Such leases, agreements or conveyances may include such covenants as the housing authority deems appropriate regarding such dwellings and the tracts of lands described in any such instrument, which covenants shall be deemed to run with the land where the housing authority deems it necessary and the parties to such instrument so stipulate. Nothing contained in this Section shall be construed as limiting any other powers of any housing authority, except that no more than two acres of land per dwelling, together with the dwelling houses thereon provided for under the provisions of this act, shall be exempt from taxation and that upon title to said two acres of land, and the dwelling houses thereon passing to private ownership, the said land and the dwelling houses thereon shall be restored to the tax rolls, and be subject to taxation.

Housing applications by farmers.

"Section 5309.27D. *Housing Applications by Farmers. The owner of any farm operated, or worked upon, by farmers of low income in need of safe and sanitary housing may file an application with a housing authority of a county requesting that it provide for a safe and sanitary dwelling or dwellings for occupancy by such farmers of low income. Such applications shall be received and examined by housing authorities in connection with the formulation of projects or programs to provide housing for farmers of low income.*

"Farmers of low income" —definition of.

"Section 5309.27E. *Definition of Farmers of Low Income. 'Farmers of low income' shall mean persons or families who at the time of their admission to occupancy in a dwelling of the authority: (1) live under unsafe or unsanitary housing conditions; (2) derive their principal income from operating or working upon a farm; and (3) had an aggregate average annual net income for the three (3) years preceding their admission that was less than the amount determined by the authority to be necessary, within its area of operation, to enable them, without financial assistance, to obtain decent, safe and sanitary housing, without overcrowding.*

"Section 5309.27F. *Operation Not for Profit. It is hereby declared to be the policy of this State that each*

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housing authority shall manage and operate its housing projects in an efficient manner so as to enable it to fix the rentals for dwelling accommodations at the lowest possible rates consistent with its providing decent, safe and sanitary dwelling accommodations, and that no housing authority shall construct or operate any such project for profit, or as a source of revenue to the city or county."

Operation not for profit.

Section 6. **Severability.** Notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any provision of this act, or the application thereof to any person or circumstances, is held invalid, the remainder of the act and the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

Severability of act.

Section 7. **Act Controlling.** Insofar as the provisions of this act are inconsistent with the provisions of any other law, the provisions of this act shall be controlling.

This act to be controlling.

Section 8. **Effective Date.** This act shall be in full force and effect from and after its passage and approval.

Effective date.

Approved March 13, 1941.

CHAPTER 154

An Act Providing for the Stabilization of Prices on Poultry Products, Fruits and Vegetables; Setting up Standards of Fair Competition in Such Products; Providing for the Duties of the Commissioner of Agriculture, Labor and Industry Under This Act; and Providing Penalties for Violation of the Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. This act is enacted under the police power of the State of Montana and its purposes are to protect the public health and welfare. It is hereby declared that unhealthful, unfair, unjust, destructive, demoralizing and uneconomic trade practices exist in the production, sale and distribution of poultry products, fruits and vegetables, whereby the very existence of the producing industry in the State of Montana is imperilled; that the production of poultry products, fruits and vegetables is one of the

Declaration of public policy regarding production and sale of poultry products, fruits and vegetables.

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principal industries of this State and one on which the continued prosperity of this State depends; existing economic conditions have broken down the purchasing power of the producers for other products, have threatened the entire producing industry with bankruptcy and have thus seriously reduced agricultural assets so that the credit structure of the entire people of the State of Montana has been affected and the welfare of the State and its local subdivisions threatened. The foregoing statements of fact, policy, and application of this act are hereby declared as a matter of legislative determination.

Section 2. That as used in this act:

Definitions

(a) The term "producer" means any bona fide farmer who actually produces commodities covered by this act.

(b) The term "broker" means any person who acts as an agent for producers or wholesalers.

(c) The term "wholesaler" means any person or firm licensed by the State of Montana for the purpose of selling or distributing to retailers.

(d) The term "retailer" means any person selling to consumers and licensed by the State of Montana as a retailer.

(e) The words "processor", "handler", or "manufacturer" mean anyone manufacturing, processing and distributing products under the provisions of this act, and may mean one who sells to a wholesaler or retailer.

(f) The term "consumer" means anyone who purchases for the purpose of consuming the article purchased.

(g) The term "trade area" means a geographical area in which the price for the commodities covered by this act are affected by the same competitive factors.

(h) The term "person" means a natural person, firm, corporation, partnership, association, trust, lessee, cooperative, trustee, or receiver, as the context may require, regardless of the gender of the pronoun used in conjunction therewith.

Trade area, petition for establishment of.

Section 3. When producers or processors of any trade area desire to apply the provisions of this act, they shall petition the commissioner of agriculture, labor and industry and request a hearing on the need for the establish-

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ment of the trade area proposed. Such petitions must be signed by at least sixty (60%) per cent of the producers or processors in the proposed trade area, and shall apply only to a product which is one of the major products generally and usually grown within the proposed trade area.

Hearing, and notice thereof.

Section 4. The commissioner of agriculture, labor and industry shall set the hearing requested within not less than seven (7) nor more than fifteen (15) days after the receipt of the petition provided by Section 3. Representatives of producers, processors, wholesalers, retailers and consumers shall be entitled to present evidence at said hearing as to whether the establishment of the proposed trade area is desirable to promote the economic welfare of the district in question and if it is necessary to prevent the unfair trade practices enumerated in Section 1. Said producer, wholesaler, retailer and consumer shall be notified of the date of said hearing by a publication of notice of said hearing in a daily or weekly newspaper regularly published in the proposed trade area. The cost of such publication shall be paid by the petitioners. After all the evidence is presented it shall be the duty of the commissioner of agriculture, labor and industry within fifteen (15) days to determine whether the petition for the creation of the trade area will be allowed. If, in the opinion of the commissioner of agriculture, labor and industry, a trade area is needed and is necessary to the economic welfare of that area, he shall appoint a committee as provided by Section 6 to hold further hearings and hear recommendations for the establishment of price schedules and price margins. This committee, as soon as possible, shall call representatives of producers, wholesalers, retailers and consumers to make recommendations for the proposed price and margin schedules. The committee after hearing shall then provide for:

Appointment of a committee, and duties thereof.

(a) A margin on percentage basis from wholesaler or processor to retailer;

(b) A margin on percentage basis from retailer to consumer;

(c) A quantity discount shall be allowed on purchases from wholesaler to retailer;

(d) A quantity discount shall be allowed on purchases from retailers to consumers;

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(e) These margins shall be based on the cost of doing business and shall be put in effect to prevent price cutting or using as leaders any of the products covered by this act;

(f) The committee shall also set up a price schedule for producers for the product in question;

(g) Any retailer or wholesaler will be allowed to meet a legal price as provided by this act, even if not purchasing on the basis of a quantity discount.

(h) Restaurants, hotels, and like establishments shall be considered as retailers under the provisions of this act.

(i) The price schedules shall be minimum prices, and nothing in this act shall prevent a higher price.

Discounts and rebates unlawful.

Section 5. It shall be a violation of this act to give any special discounts, rebates or attempt to break down prices paid to producers, or margins of wholesalers and retailers as provided for under this act.

Committee for trade area.

Section 6. The commissioner of agriculture, labor and industry shall appoint a committee for each commodity for which a trade area has been created which shall serve without pay and shall hold office at the will of the commissioner, but the commissioner shall appoint said committee from a list presented to him by interested groups and representing said groups as provided in this Section.

Members, and duties of.

This committee shall consist of five (5) members, two (2) of whom shall be representatives of producers, one (1) a representative of processors or wholesalers, one (1) a representative of retailers and one (1) a representative of consumers. It shall be the duty of this committee to study market conditions and trade practices and this committee is authorized from time to time to make changes in prices paid to producers on any product or products, specified in the petition, should a change in competitive factors pertaining to that product justify it. The committee is further authorized and empowered to set the margin schedule provided in Section 4, but the margins fixed by the committee provided by Section 4 shall continue in full force and effect unless sixty (60%) per cent of the producers, processors, wholesalers and retailers ask for another hearing to determine fair margins or to discontinue the operation of the act in any trade area; but the operation of the act cannot be discontinued unless requested by

Operation of act, how discontinued.

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a petition of sixty (60%) per cent of the producers of any commodity covered by this act, and when such petition is filed with the commissioner of agriculture, he shall abolish the trade area.

Certain practices not prevented by act.

Section 7. Nothing in this act shall prevent producers or wholesalers from selling outside the trade area at a price different on any product for which the price is fixed within the trade area; providing such sale is not made within another trade area, contrary to the prices and margins set up in such trade area. Nor shall it prevent groups of producers, wholesalers or retailers from using a quota basis upon such sales in order to stabilize prices on any commodity within the trade area; provided further that nothing in this act shall prevent the payment of the customary brokerage fee. The provisions of this act shall not operate, or be construed, to impair, restrict or in anywise interfere with the jurisdiction, authority and functions of the milk control board.

Broker or sales cooperative.

Section 8. Organized groups of producers shall have the right to employ a broker or establish a sales co-operative within the trade area where a reasonable charge for selling may be made.

Violation of act is a misdemeanor.

Section 9. (a) Any person, firm or corporation either as principal, agent, officer or director for him or itself or for another person or for any firm or corporation or any corporation who or it shall violate any of the provisions of this act is guilty of a misdemeanor.

Jurisdiction of district courts.

(b) The several district courts of the State of Montana are hereby invested with jurisdiction to enforce this act and prevent any restraint violations thereof on any lawful order to regulation promulgated by any committee appointed under this act.

Severability of act.

Section 10. If any section, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of the act. The legislature hereby declares that it would have passed this act, and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more other sections, sentences, clauses or phrases be declared unconstitutional.

Effective date.

Section 11. This act shall be in full force and effect from and after its passage and approval.

Approved March 13, 1941.

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CHAPTER 155

An Act Providing for the Elimination of Certain Lands From Drainage Districts, and Providing for Procedure Relative Thereto.

Be it enacted by the Legislative Assembly of the State of Montana:

Elimination of lands from drainage district.

Section 1. Any lands within a drainage district, which district is not bonded or indebted and which lands have not been, and will not, in the future, be benefitted by the drainage system of the said district and which lands do not contribute water to seep other lands in the district, may be excluded or eliminated from said district by an order of the district court of the county wherein the said lands are situate upon the proceedings hereinafter set forth being had.

Court action.

Parties.

Section 2. An action for the exclusion of lands from any such drainage district may be brought in the district court of the county wherein said lands are situate, by the owner in fee of said lands, who shall be designated as plaintiff, and in said action the members of the board of drainage commissioners and the owners in fee of the other lands in the district shall be made defendants.

Section 3. Said action shall be commenced by filing in the office of the clerk of the district court a complaint which must contain:

Complaint, contents of.

1. The title of the action, the name of the court and the county in which the action is brought, and the names of the parties to the action;

2. A statement of the facts constituting the cause of the action, in ordinary and concise language;

3. A demand for the relief which the plaintiff claims. The complaint shall be verified in the same manner as complaints in other civil actions.

Summons.

Section 4. Upon the filing of the complaint the clerk of the court shall issue a summons which shall contain, in addition to the matters specified in Section 9107, a brief statement of the relief demanded and a description of the lands sought to be excluded from the drainage district.

Service of summons.

Section 5. The summons shall be served either by personal service or by publication in the same manner as a

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summons is published in other actions affecting the title to real property.

Section 6. The same rules relative to the filing of demurs, answers and replies which now exist relative to other causes of action affecting the title to real property shall apply in actions to exclude lands from a drainage district, and all issues arising may be tried by the court without a jury.

Rules of practice applicable.

Section 7. If the issue shall be found in favor of the plaintiff the court may make its order describing the lands to be excluded from the district and a certified copy of the same shall be filed in the office of the county recorder of the county wherein the lands are situate, and from and after the date of such order the said lands shall no longer be liable for any assessment levied by the district against the lands excluded.

Court order excluding lands.

Section 8. Appeals may be taken from the orders and judgments of the district court to the supreme court of the State of Montana, in the same manner as appeals in other causes of action affecting the title to real property.

Appeals.

Section 9. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Approved March 13, 1941.

CHAPTER 156

An Act Consenting to the Acquisition by the United States of Land, Water, or Land and Water, Within Flathead County, Montana, for a Migratory Bird Reservation as Authorized by Act of Congress of February 18, 1929, and Providing for the Establishment of Such Area as a State Refuge in the Discretion of the State Fish and Game Commission.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Consent of the State of Montana is given to the acquisition by the United States by purchase, gift, devise, or lease of such areas of land or water, or of land and water, in sections 31 and 32 in township 28 north of range 22 west; sections 4, 5, 8, 9, 16, 17, 18, 19 and 20 in

Consent of state to acquisition of certain land by United States for migratory bird reservation.

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township 27 north, of range 22 west; sections 13, 14, 15, 16, 21, 22, 23 and 24 in township 27 north of range 23 west, in Flathead county, Montana, as the United States may deem necessary for the establishment of a migratory bird reservation in accordance with the act of congress approved February 18, 1929, entitled: "An act to more effectively meet the obligations of the United States under the migratory bird treaty with Great Britain by lessening the dangers threatening migratory game birds from drainage and other causes by the acquisition of areas of land and of water to furnish in perpetuity reservations for the adequate protection of such birds; and authorizing appropriations for the establishment of such areas, their maintenance and improvement and for other purposes," reserving, however, to the State of Montana full and complete jurisdiction and authority over all such areas not incompatible with the administration, maintenance, protection, and control thereof by the United States under the terms of said act of congress.

Duties of fish and game commission.

Section 2. Upon the acquisition or establishment of any such refuge in Flathead county, State of Montana, the fish and game commission of the State of Montana, acting under its authority to designate areas as resting, feeding and breeding grounds for migratory and other species of birds and wild animals, shall in its discretion establish such areas as a state refuge and adopt such regulations not inconsistent with the regulations of the secretary of the United States department of agriculture governing such areas as it may deem necessary for their protection, and may enter into cooperative agreements or arrangements with the said secretary for the enforcement of the aforesaid act of congress and the regulations of the secretary of agriculture, and for the maintenance and administration of such refuge.

Repealing clause.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 15, 1941.

CHAPTER 157

An Act to Amend Section 3653 of the Revised Codes of Montana for 1935, Relating to Fish and Game Commission, Its Powers and Duties.

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Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3653 of the Revised Codes of Montana, be, and the same is hereby amended as follows: Sec. 3653 Rev. Codes amended.

"Section 3653. **Powers and Duties of Commission.** The commission hereby created shall have supervision over all the wild life, fish, game, and non-game birds, and waterfowl, and the game, and fur-bearing animals of the State, and shall possess all powers necessary to fulfill the duties prescribed by law with respect thereto, and to bring actions in the proper courts of this State for the enforcement of the fish and game laws of the State, and the orders, rules and regulations adopted and promulgated by the commission. It shall have full power and authority to enforce all the laws of the State of Montana, respecting the protection, preservation and propagation of fish, game, and fur-bearing animals, game and non-game birds, within the State. It shall have the exclusive power to expend for the protection, preservation and propagation of fish, game, and fur-bearing animals, and game and non-game birds, all funds of the State of Montana collected or acquired for that purpose, whether arising from state appropriation, licenses, fines, gifts, or otherwise, all sums collected or received from the sale of hunting and fishing licenses or permits, from the sale of seized game or hides, or from fines, damages collected for violations of the fish and game laws of this State, from appropriations, or received by the commission from any other sources are hereby appropriated to and placed under control of the Montana fish and game commission. It shall have power to discharge any appointee or employee of such commission for cause at any time. It shall have full power and authority to dispose of all property owned by the State of Montana, used for the protection, preservation and propagation of fish, game and fur-bearing animals, and game and non-game birds, which shall have been found to be of no further value or use to the State, and shall turn over proceeds arising therefrom to the state treasurer to be by him credited to the state fish and game fund. It shall have full power and authority to use so much of the fish and game funds of the State as may be necessary for the construction, maintenance, operation, upkeep, and repair of fish hatcheries, game farms or other property or means and appliances for the protection and propagation of fish, game and fur-bearing animals, or game or non-game birds in the State of Mon-

Powers and duties of commission.

Re expenditures of funds.

Re disposition of property.

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tana, and it shall have the authority to appropriate moneys from the funds at its disposal for the extermination or eradication of predatory animals that destroy fish, game, or fur-bearing animals, or game or non-game birds. It shall have authority to provide for the importation of game birds and game and fur-bearing animals, and for the protection, propagation, and distribution of such imported or native birds and animals. It shall have authority to spend so much of the state fish and game funds as may be necessary to introduce and propagate wild waterfowl food and for that purpose may secure expert advice as to what kinds of waterfowl foods are adapted to the climate, soil, and waters of this State. It shall be its duty to furnish plans for, and to direct and compel the construction and installation and repair of fish ladders upon dams and other obstructions in streams, which, however, shall be installed and maintained at the expense of the owners of said dam or other obstruction. It shall have the authority to purchase and maintain at the expense of the state fish and game fund suitable fish screens or fish wheels, or other devices, to install them in irrigating ditches to prevent fish entering said ditches. It shall have authority to locate, lay out, construct and maintain nurseries and rearing ponds where fry can be planted, propagated and reared and when of suitable sizes, liberated and distributed in the waters of this State, and may expend from the state fish and game funds such sums as may be necessary for this purpose. It shall have authority to acquire by gift, purchase, capture, or otherwise, any fish, game, game birds, or animals, for propagation, experimental or scientific purposes. It shall have authority to acquire by purchase, condemnation, lease, agreement, gift, or devise, lands or waters suitable for the purposes hereinafter enumerated, and develop, operate and maintain the same for said purposes: (a) For fish hatcheries, nursery ponds, or game farms; (b) Lands or waters suitable for game, bird, fish, or fur-bearing animal restoration, propagation, or protection; (c) For public hunting, fishing, or trapping areas to provide places where the public may hunt, trap, or fish in accordance with the provisions of law or the regulations of the commission; (d) To extend and consolidate by exchange lands or waters suitable for the above purposes; (e) To capture, propagate, transport, buy, sell, or exchange any species of game, bird, fish, fish eggs, or fur-bearing animals needed for propagation or stocking

Re importation of game birds and animals

Re fish ladders and screens

Re acquisition of lands

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purposes, or to exercise control measures of undesirable species. It shall have authority to enter into cooperative agreements with educational institutions and state, federal, or other agencies, to promote wild life research and to train men for wild life management. It shall have authority to enter into cooperative agreements with federal agencies, municipalities, corporations, organized groups of landowners, associations and individuals for the development of game, bird, fish, or fur-bearing animal management and demonstration projects. It shall have authority to fix seasons and bag limits, *open* or close, shorten or *lengthen* seasons, *except as otherwise provided by law,* on any species of game, bird, fish, or fur-bearing animal, in any specified locality or localities of the entire State, when it shall find, after said investigation, that such action is necessary to assure the maintenance of an adequate supply thereof. It shall have authority to establish and close to hunting, trapping or fishing, game, bird or fish refuges on public lands and, with the consent of the owner, on private lands; and close streams and lakes, or parts thereof, to hunting, trapping or fishing. It shall have authority to divide the State into fish and game districts, and to create fish, game, or fur-bearing animal districts throughout the State of Montana and to declare closed season for hunting, fishing, or trapping in any of said districts, so created, and later to open said districts to hunting, fishing, or trapping. It shall have authority to declare a closed season on any species of game, fish, or game birds, or fur-bearing animals threatened with undue depletion, from any cause, and to close any area or district of any stream, public lake, or public water, or portions thereof, to hunting, trapping or fishing, for limited periods of time, when such action is necessary to protect recently stocked area, district, water, spawning waters, spawn-taking waters, or spawn-taking stations, or to prevent the undue depletion of fish, game and fur-bearing animals, and game and non-game birds, and later to open the same upon consent of a majority of the property owners affected. It shall have authority to establish game refuges for the purpose of providing safe sanctuaries in which game and fur-bearing animals or game or non-game birds may breed and replenish. Such refuges shall be established by order of the commission upon the petition and proper showing that such action is, in judgment of the fish and game commission, necessary and in the best interest of the wild life within the area, to be

Re cooperative agreements.

Re fixing seasons.

Re fish and game districts.

Re game refuges.

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included within such refuge, it being the purpose of this provision to establish small refuges rather than large preserves or rather than to close large areas to hunting or trapping. It shall have authority to designate and protect certain areas as resting, feeding and breeding grounds for migratory birds, in which hunting and molestation shall be forbidden; it being the purpose of this provision not to interfere unduly with the hunting of waterfowl, but to provide havens in which they can rest, feed, and breed without molestation. After petition has been duly filed with the secretary of the commission, praying that an area shall be set aside as a game refuge or haven, the said secretary shall immediately publish a notice in a paper of general circulation in the county in which the said area is proposed, that a hearing in connection therewith will be held at such place in said county as may be designated on a day not less than fifteen (15) days from the date of the first publication to be specified in said notice, at which time and place all interested parties shall have the right to appear and be heard. It shall have authority to establish and maintain an educational and biological department of their work for the collection and diffusion of such statistics and information as shall be germane to the purpose of this act. It shall not have authority to issue permits to anyone to carry firearms within the confines of the State of Montana, except to regularly appointed officers and/or fish and game wardens who are paid by the State of Montana."

Re migratory bird refuges.

May not issue permits to carry firearms.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Effective date.

Approved March 17, 1941.

CHAPTER 158

An Act to Amend Section 3656 of the Revised Codes of Montana for 1935, Relating to Deputy Fish and Game Wardens and Appointments.

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Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3656 of the Revised Codes of the State of Montana for 1935, be amended to read as follows:

Sec. 3656 Rev. Codes amended.

"Section 3656. The state fish and game warden, by and with the consent and approval of the commission, shall have power to employ, and appoint a number of deputy state fish and game wardens not in excess of *twenty-seven* for the proper enforcement of the fish and game laws of the State, or for such purposes as the warden may direct, who shall be peace officers and hold their offices for such time as the warden may direct, and who may be removed from office by said warden at any time for cause, after due hearing before said commission. The said commission shall assign to each deputy state fish and game warden, appointed or employed, the territory or district in which he is to perform his duties and work, which may be changed at any time by said commission. Said deputy fish and game wardens shall perform their duties at the direction of, and subject to the supervision and control of the state fish and game warden; provided, however, the commission may employ for a limited period of time, special deputy game wardens to patrol said districts and enforce the game and fish laws of the State of Montana therein, and to perform such duties in said districts as may be prescribed by said commission for the limited time for which they are employed; and further, such special deputy game wardens shall receive in compensation not to exceed one hundred twenty-five dollars ($125.00) per month and actual expenses."

Deputy state fish and game wardens, number of, duties.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Effective date.

Approved March 17, 1941.

CHAPTER 159

An Act to Amend Section 3694 of the Revised Codes of Montana, 1935, Relating to Restrictions of Manner of Taking and Possessing Fish and Game and Powers of Commission Relating Thereto.

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Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 3694 Rev. Codes amended.

Section 1. That Section 3694 of the Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

Manner of taking fish and game restricted.

"Section 3694. **Restrictions of Manner of Taking and Possessing Fish and Game and Powers of Commission Relating Thereto.** It shall be unlawful for anyone to take, capture, shoot, kill, or attempt to take, capture, shoot or kill, any game animal, or game bird from any automobile or on, or from any public highway in the State of Montana, or by the aid or with the use of any set gun, jack-light, or other artificial light, trap, snare, or salt lick, nor shall any such set gun, jack-light or other artificial light, trap, snare, salt lick or other device to entrap or entice game animals or game birds be used, made or set; provided, however, that this does not prohibit the shooting of wild water fowl from blinds or over decoys with a gun only, not larger than a number ten (10) gauge fired from the shoulder, nor shall any game fish be caught, captured, or taken, or attempted to be caught, captured or taken by the aid or with the use of any gun, or trap, nor shall any such set gun, or trap or other device to entrap game fish be used, made, or set, nor shall any game birds or game or fur-bearing animals be killed, taken or hunted from an aeroplane, nor shall any aeroplane be used for the purpose of concentrating, pursuing, driving, rallying or stirring up any game or migratory birds, game or fur-bearing animals, nor shall any powerboat, sailboat, or any boat under sail or any floating device towed by a powerboat, sailboat, or any boat under sail be used for the purpose of killing, capturing, taking, pursuing, concentrating, driving or stirring up any game birds, or migratory water fowl, or game or fur-bearing animals, nor shall any person take into a field or forest or have in his possession while out hunting, any device or mechanism devised to silence or muffle or minimize the report of any firearms, whether such device or mechanism be operated from or attached to any firearm; nor shall any person chase with dogs any of the game or fur-bearing animals as defined by the fish and game laws of this State; provided, however, that livestock owners, employees of the state fish and game commission and of the United States bureau of biological survey may use dogs in the pursuit of stock killing bears, or other means of taking stock killing bears except the

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use of the dead fall; providing, however, that traps used in capturing bear shall be inspected twice each day, which inspection shall be twelve (12) hours apart; and provided further, that a person may take game birds during the open season thereof, with the aid of a dog or dogs and any person or association organized for the protection of game, may run field trials at any time upon obtaining written permission from the state fish and game warden.

Fishing in the Yellowstone, Missouri and Kootenai rivers.

It shall be lawful to catch fish in the Yellowstone, Missouri and Kootenai rivers at any season of the year with hook and line, or rod in hand, and ling may be caught in said rivers at any season of the year with set-lines; provided, however, that the commission shall have the power to limit the fishing for ling to angling when it is ascertained that game fish are being caught with said set-lines. It shall be lawful to take by angling non-game fish in any quantity from any of the waters of the State during the open fishing season pertaining to such waters.

Game fish, how taken.

Game fish shall be taken only by angling, that is, by hook and line in hand or rod in hand; this does not prevent, however, the use of a landing net or gaff to land a game fish after the same has been hooked by angling as above specified, nor does it prevent the taking of minnows other than game fish variety by the use or aid of a small hand net.

Sale or possession of salmon eggs forbidden.

It is hereby made unlawful for any person, persons, firm or corporation to sell or have in their possession, any salmon eggs or salmon spawn, or any imitations thereof, or substance prepared therefrom, and it shall also be unlawful for any person or persons to use in any of the waters of this State any salmon eggs or other fish spawn, or any imitation or substance prepared therefrom, as a fish bait or fish lure.

Penalty for violation of this section.

Any person, firm or corporation being found guilty of violation of the provisions of this Section shall be deemed guilty of a misdemeanor and upon conviction thereof, be subject to a fine of not less than twenty-five dollars ($25.00) nor more than five hundred dollars ($500.00), or to be imprisoned in the county jail for not less than thirty (30) days, nor more than six (6) months, or by both such fine and imprisonment.

It shall be unlawful to catch any game fish through the ice, or through a hole in the ice, except in such waters as

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are designated under proper order of the state fish and game commission. In case any game fish is unintentionally taken contrary to the prohibitions or restrictions contained in this act, such fish shall be immediately liberated and returned to the water without unnecessary injury.

The state fish and game commission shall have the power to change or suspend the closed season on game fish so as to meet local conditions. That said commission shall have the power to set the opening dates of fishing season; provided, however, that they shall open the season in the several localities on a Sunday.

Whenever said fish and game commission shall have made any orders, rules or regulations for the carrying out of the powers granted to it under this act, the same shall take effect and be in force from and after the publication and posting of notice of said orders, rules and regulations as required by the fish and game laws.

Any person who shall pursue, hunt, trap, possess, take, capture, shoot or kill any fish, game bird, game or fur-bearing animals, or have, keep, possess, sell, purchase, ship or reship any game fish, game bird, game or fur-bearing animals of this State in any manner contrary to the provisions of this act or to the orders, rules and regulations of the fish and game commission made pursuant to the authority given it under this act, shall be deemed guilty of a misdemeanor and upon conviction be punished by a fine of not less than twenty-five dollars ($25.00) nor more than five hundred dollars ($500.00), or by imprisonment in the county jail for not more than one hundred eighty (180) days or by both such fine and imprisonment, and in addition thereto, shall in the discretion of the court, forfeit his license to hunt, fish, or trap within this State for a period of one (1) year from the date of his conviction.

Penalty.

If any Section, Subsection, sentence, clause or phrase of this act shall for any reason be held unconstitutional or inoperative, such decision shall not affect the validity of the remaining portion of this act."

Severability of act.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Effective date.

Approved March 17, 1941.

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CHAPTER 160

An Act to Amend Section 3696 of the Revised Codes of Montana of 1935, Relating to Open Season for Elk—Waste of Meat and Penalties for Violation of This Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3696 of the Revised Codes of Montana of 1935, be, and the same is hereby amended to read as follows:

Sec. 3696 Rev. Codes amended.

"Section 3696. **Open Season for Elk—Waste of Meat Unlawful.** *Hereafter when the state fish and game commission has fixed an open and closed season on elk in any specified locality or localities, or the entire State, as authorized in Section 3653 of the Revised Codes of Montana of 1935, it shall be unlawful during the closed season for elk, for any person to take, hunt, shoot, kill, or capture, or cause to be taken, shot, killed, or captured, any elk.*

Hunting elk during closed season unlawful.

"It shall be unlawful and a misdemeanor for any person responsible for the death of any elk to waste any portion or portions of said elk suitable for food.

Waste of meat unlawful.

"Provided, therefore, that nothing herein shall be construed to authorize the hunting of game of any kind within the boundaries of any game preserve or refuge now established by the state legislature, or by order of the state fish and game commission.

"Any person violating any of the provisions of this Section or any of the orders of the state fish and game commission shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not less than fifty dollars ($50.00), or more than five hundred dollars ($500.00), or by imprisonment in the county jail for not less than thirty (30) days, or not more than six (6) months, or by both such fine and imprisonment."

Penalty.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Effective date.

Approved March 17, 1941.

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CHAPTER 161

An Act to Amend Section 3697 of the Revised Codes of Montana of 1935, Relating to Open Season for Deer—Waste of Meat and Penalties for Violation of This Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 3697 Rev. Codes amended.

Section 1. That Section 3697 of the Revised Codes of Montana of 1935, be, and the same is hereby amended to read as follows:

Hunting deer in closed season unlawful.

"Section 3697. **Open Season for Deer—Waste of Meat Unlawful.** *Hereafter when the state fish and game commission has fixed an open season on deer in any specified locality or localities, as authorized in Section 3653 of the Revised Codes of Montana of 1935, it shall be unlawful during the closed season for deer for any person to take, hunt, shoot, kill, or capture, or cause to be taken, hunted, shot, killed, or captured, any deer.*

Waste of meat unlawful.

"It shall be unlawful and a misdemeanor for any person responsible for the death of any deer to wilfully waste any portion or portions of said deer suitable for food.

Shooting deer within city boundaries unlawful.

"It shall be unlawful to shoot, kill, take, or cause to be shot, killed, taken, or captured, or to attempt to shoot, kill, take, or capture any deer within the boundaries of any incorporated or unincorporated city or town in the State.

"Provided, therefore, that nothing herein shall be construed to authorize the hunting of game of any kind within the boundaries of any game preserve or refuge now established by the state legislature or by order of the state fish and game commission.

Penalty.

"Any person violating any of the provisions of this Section or any of the orders of the state fish and game commission shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a minimum fine of twenty-five dollars ($25.00) or a maximum fine of five hundred dollars ($500.00), or by imprisonment in the county jail for not less than ten (10) days, or more than one hundred eighty (180) days, or by both such fine and imprisonment."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

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Section 3. This act shall be in full force and effect from and after its passage and approval. Effective date.

Approved March 17, 1941.

CHAPTER 162

An Act to Amend Section 3703 of the Revised Codes of Montana, 1935, Relating to Closed Season and Bag Limits on Migratory Game Birds.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3703 of the Revised Codes of Montana, 1935, be, and the same is amended to read as follows: Sec. 3703 Rev. Codes amended.

"Section 3703. **Closed Season and Bag Limits on Migratory Game Birds.** *Laws relating to migratory birds are prescribed by the United States department of agriculture. Open season, bag limit and other rules and regulations are announced each year by proclamation by the president of the United States. After each proclamation, the state fish and game commission by proper action will adopt, advertise and enforce such proclaimed regulations as may be applicable to the State of Montana.*" Season and bag limits on migratory game birds.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed. Repealing clause.

Section 3. This act shall be in full force and effect from and after its passage and approval. Effective date.

Approved March 17, 1941.

CHAPTER 163

An Act to Amend Sections 4 and 5, Chapter 84, Laws of the Twenty-fifth Legislative Assembly of the State of Montana, as Amended by Chapter 221, Laws of the Twenty-sixth Legislative Assembly of the State of Montana, Relating to Regulating, Licensing and Sale of Liquor at Retail in the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That subdivision (a) of Section 4, Chapter 84, laws of the twenty-fifth legislative assembly of the

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Subdivision (a) of Sec. 4, Chap. 84, Laws of 1937, further amended.

State of Montana, as amended by Chapter 221, laws of the twenty-sixth legislative assembly of the State of Montana, be and the same is hereby amended to read as follows:

Annual license fees required.

"Section 4. *Each licensee licensed under the provisions of this act shall pay an annual license fee as follows:*

Outside of cities and in cities or towns of less than 2,000 population.

(a) *Except as hereinafter provided, for each license outside of cities and towns, or in cities and towns with a population of less than two thousand (2,000) two hundred dollars ($200.00) per annum;*

In cities of 2,000 to 5,000 population.

(b) *Except as hereinafter provided, for each license in cities with a population of more than two thousand (2,000) and less than five thousand (5,000), three hundred dollars ($300.00) per annum; or within a distance of five (5) miles thereof, measured in a straight line from the nearest entrance of the premises to be licensed to the nearest boundary of such city, three hundred dollars ($300.00) per annum;*

In cities of 5,000 to 10,000 population.

(c) *Except as hereinafter provided, for each license in cities with a population of more than five thousand (5,000) and less than ten thousand (10,000), or within a distance of five (5) miles thereof, measured in a straight line from the nearest entrance of the premises to be licensed to the nearest boundary of such city, four hundred fifty dollars ($450.00) per annum;*

In cities of 10,000 or more, or within five miles thereof.

(d) *For each license in cities with a population of ten thousand (10,000) or more, or within a distance of five (5) miles thereof, measured in a straight line from the nearest entrance of the premises to be licensed to the nearest boundary of such city, six hundred dollars ($600.00) per annum;*

For railways.

(e) *For each railway system in the State of Montana, three hundred dollars ($300.00) per annum;*

Measurement of distance from corporate limits of cities or towns.

(f) *The distance of five (5) miles from the corporate limits of any cities and towns shall be measured in a straight line from the nearest entrance of the premises to be licensed to the nearest boundary of such city or town; and where the premises of the applicant to be licensed are situated within five (5) miles of the corporate boundaries of two (2) or more incorporated cities or towns of a different population the license chargeable by the larger in-*

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corporated city or town shall apply and be paid by the applicant.

(g) For each fraternal organization or club, one hundred dollars ($100.00) per annum; provided, however, that the term "fraternal organization" as here used, shall include only those lodges and associations having a known and defined existence; and provided, however, that the term "club" as here used, shall mean an association of persons for the promotion of some common object other than the sale of liquor, with a permanent membership into which admission cannot be obtained by any person at his pleasure and which is primarily operated for the benefit of its members and not for the gain or profit of its operators; and provided, further, that it shall be unlawful for any fraternal organization or club to sell or serve liquor to the public as a commercial business and the board may at any time require such fraternal organization or club to furnish evidence of its bona fide existence and may refuse or suspend a license if it is found that such applicant or licensee does not conform or is not conforming to this act.

For fraternal organizations or clubs.

"Club" defined.

The license fees herein provided for are exclusive of and in addition to other license fees chargeable in the State of Montana for the sale of liquor, beer and malt beverages.

License fees herein provided are additional.

The census taken under the direction of congress of the United States in the year nineteen hundred thirty and every ten (10) years thereafter, shall be the basis upon which the respective populations of said municipalities shall be determined, unless a direct enumeration of the inhabitants thereof is made by the State or municipal corporation, in which case such later direct enumeration shall constitute such basis, provided, however, that no census hereafter taken shall be such basis until it shall have been published under the authority under which the same shall be taken, and then its effect shall from the date of such publication be prospective only, and provided, further, that none of the provisions of this act shall be deemed to operate retroactively."

Federal census to determine population.

Section 2. That Section 5 of Chapter 84 of the session laws of the twenty-fifth legislative assembly of the State of Montana, 1937, as amended by Chapter 221 of the session laws of the twenty-sixth legislative assembly of the State of Montana, 1939, be amended to read as follows:

Sec. 5, Chap. 84, Laws of 1937, further amended.

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"Section 5. Prior to the issuance of a license as herein provided, the applicant shall file with the Montana liquor control board an application in writing, signed by the applicant, and containing such information and statements relative to the applicant and the premises where the liquor is to be sold, as may be required by the Montana liquor board.

Application for license required.

The application shall be verified by the affidavit of the person making the same before a person authorized to administer oaths. If any false statement is made in any part of said application, the applicant, or applicants, shall be deemed guilty of a misdemeanor and upon conviction thereof the license, if issued, shall be revoked and the applicant, or applicants, subjected to the penalties provided by law."

False statements, penalty for.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 4. This act shall be in full force and effect from and after its passage and approval.

Effective date.

Approved March 17, 1941.

CHAPTER 164

An Act to Amend Sections 5, 12, 13 and 15 of Chapter 137 of the Session Laws of the Twenty-fifth Legislative Assembly of the State of Montana, and to Amend Sections 3, 4, 7, 8, 14 and 19 of Chapter 137 of the Session Laws of the Twenty-fifth Legislative Assembly of the State of Montana, as Amended by Chapter 137, Session Laws of the Twenty-sixth Legislative Assembly of the State of Montana, Being the "Unemployment Compensation Law", Entitled: An Act Providing for Unemployment Compensation; Creating a State Unemployment Compensation Commission; Establishing an Unemployment Compensation Fund, and Providing for the Administration, Distribution and Investment Thereof; Providing for the Assessment and Collection of Contributions Upon Payrolls of Employers; Creating a State Employment Service and Providing an Appropriation Therefor; Providing Penalties for Violations.

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Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3 of Chapter 137 of the session laws of the twenty-fifth legislative assembly of the State of Montana, 1937, as amended by Chapter 137, session laws of the twenty-sixth legislative assembly of the State of Montana, 1939, be, and the same is hereby amended to read as follows:

Sec. 3 of Chap 137, Laws of 1937, further amended.

BENEFITS

"Section 3. (a) **Payment of Benefits.** Thirty (30) months after the date when contributions first accrue under this act from the employer, benefits shall become payable from the fund to any individual, who thereafter is or becomes unemployed and eligible for benefits as is herein prescribed; provided, however, that wages earned for services performed as an employee representative as defined in the railroad unemployment insurance act (52. Stat. 1094), or for services performed for an employer, as defined in said act, shall not be included for the purposes of determining eligibility or weekly benefit amount under this act with respect to any benefit year commencing on or after July 1, 1939, nor shall any benefits with respect to unemployment occurring on and after July 1, 1939, be payable on the basis of such wages under any provisions of this act. All benefits shall be paid through public employment offices in the State of Montana, or other agencies designated by the commission, in accordance with such rules and regulations as the commission may prescribe.

Payment of benefits.

(b) **Weekly Benefit Amount for Total Unemployment.** Each eligible individual, who is totally unemployed (as defined in this act) in any week, shall be paid with respect to such week, benefits at the rate of four percent (4%) of his total wages in employment for employers in the quarter of his base period wherein his earnings were highest, if a multiple of a dollar, or computed to the next higher multiple of a dollar, but not more than fifteen dollars ($15.00) per week, nor less than five dollars ($5.00) per week.

Weekly benefit, amount for total unemployment.

(c) **Wage Record.** The commission shall maintain a record of the wages *paid to* an individual in accordance with wages earned by him for employment by employers during each quarter.

Wage record

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Duration of benefits

(d) **Duration of Benefits.** The maximum total amount of benefits payable to any eligible individual during any benefit year shall not exceed sixteen (16) times his weekly benefit amount."

Sec. 4 of Chap. 137, Laws of 1937, further amended.

Section 2. That Section 4 of Chapter 137, session laws of Montana, 1937, as amended by Chapter 137, session laws of the twenty-sixth legislative assembly of the State of Montana, 1939, be, and the same is hereby amended to read as follows:

BENEFIT ELIGIBILITY CONDITIONS

"Section 4. An unemployed individual shall be eligible to receive benefits with respect to any week only if the commission finds that—

Benefit eligibility conditions.

(a) He has registered for work at and thereafter has continued to report at an employment office in accordance with such regulations as the commission may prescribe, except that the commission may, by regulation, prescribe that such types of cases or situations with respect to which it finds that compliance with such requirements would be oppressive, or would be inconsistent with the purposes of this act, provide for registration and reporting for work by mail or through other governmental agencies.

(b) He has made a claim for benefits in accordance with the provisions of Section 6 (a) of this act.

(c) He is able to work and is available for work.

Waiting period.

(d) Prior to any week for which he claims benefits he has been totally unemployed for a waiting period of two (2) weeks. No week shall be counted as a week of total unemployment for the purposes of this Subsection:

(1) If benefits have been paid with respect thereto;

(2) Unless the individual was eligible for benefits with respect thereto in all respects except for the requirements of Subsections (b) and (e) of this Section;

Additional waiting periods.

(3) *Unless it occurs within the benefit year of the claimant, provided, however, that where a claimant has had a period of employment over a period of thirteen (13) consecutive weeks and again becomes unemployed in such benefit year, then in that event such claimant shall be required to serve another waiting period of two (2) weeks;*

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however, if claimant has served one waiting period and has received benefits and is again employed for a period less than thirteen (13) consecutive weeks in duration and claimant again becomes unemployed, he may receive benefits without serving an additional waiting period, provided the employment accepted, which was less in duration than thirteen (13) consecutive weeks, was not with the same employer. In no instance shall a claimant be required to serve more than two (2) waiting period weeks in addition to the two (2) waiting period weeks served at the beginning of the benefit year.

(4) Unless it occurs after benefits first could become payable to any individual under this act.

(c) He has within the base period earned wages for employment by employers equal to thirty (30) times his weekly benefit amount."

Section 3. That Section 5 of Chapter 137, session laws of Montana, 1937, be, and the same is hereby amended to read as follows:

Sec. 5, Chap. 137, Laws of 1937, amended.

DISQUALIFICATION FOR BENEFITS

"Section 5. An individual shall be disqualified for benefits—

Disqualification for benefits.

(a) If he has left work voluntarily without good cause, if so found by the commission, for a period of not less than one (1) or more than *five* (5) weeks (in addition to and immediately following the waiting period), as determined by the commission according to the circumstances in each case.

Leaving work.

(b) If he has been discharged for misconduct connected with his work, if so found by the commission, for a period of not less than the one (1) nor more than the nine (9) weeks (in addition to and immediately following the waiting period), as determined by the commission in each case according to the seriousness of the misconduct.

Discharge for misconduct.

(c) If the commission finds that he has failed, without good cause, either to apply for available, suitable work when so directed by the employment office or the commission or to accept suitable work when offered him, or to return to his customary self-employment (if any) when so directed by the commission. Such disqualification shall

Failure to apply for or accept work.

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continue for the week in which such failure occurred and for not less than the one (1) nor more than the five (5) weeks which immediately follow such week (in addition to the waiting period) as determined by the commission according to the circumstances in each case.

Suitability of work.

(1) In determining whether or not any work is suitable for an individual, the commission shall consider the degree of risk involved to his health, safety, and morals, his physical fitness and prior training, his experience and previous earnings, his length of unemployment and prospects for securing local work in his customary occupation, and the distance of the available work from his residence.

When benefits shall not be denied.

(2) Notwithstanding any other provisions of this act no work shall be deemed suitable and benefits shall not be denied under this act to any otherwise eligible individual for refusing to accept new work under any of the following conditions:

Labor dispute.

(A) If position offered is vacant due directly to a strike, lockout, or other labor dispute;

Unfavorable conditions.

(B) If the wages, hours, or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality;

Compulsion as to union or labor organization.

(C) If as a condition of being employed the individual would be required to join a company union or to resign from or refrain from joining any bona fide labor organization.

Stoppage of work.

(d) For any week with respect to which the commission finds that his total unemployment is due to a stoppage of work which exists because of a labor dispute at the factory, establishment, or other premises at which he is or was last employed, provided that this Subsection shall not apply if it is shown to the satisfaction of the commission that—

Participation in labor dispute.

(1) He is not participating in or financing or directly interested in the labor dispute which caused the stoppage of work; and

Connection with those in labor dispute.

(2) He does not belong to a grade or class of workers of which immediately before the commencement of the stoppage, there were members employed at the premises at

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which the stoppage occurs, any of whom are participating in or financing or directly interested in the dispute;

Provided, that if in any case separate branches of work which are commonly conducted as separate businesses in separate premises are conducted in separate departments of the same premises, each such department shall, for the purposes of this Subsection, be deemed to be a separate factory, establishment, or other premises; provided, further, that if the commission, upon investigation, shall find that such labor dispute is caused by the failure or refusal of any employer to conform to the provisions of any law of the State of Montana or of the United States pertaining to collective bargaining, hours, wages or other conditions of work, such labor dispute shall not render the workers ineligible for benefits.

Separate factory defined.

Dispute caused by employer.

(e) For any week with respect to which he is receiving or has received payment in the form of—

Payments which do not disqualify.

(1) Wages in lieu of notice or separation or termination allowance;

Wages due to termination.

(2) Compensation for temporary *or total* disability under the workmen's compensation law of *this, or,* any State or under a similar law of the United States.

Disability compensation.

(3) Old age benefit payments under Title II of the social security act, as amended, *or benefits under the federal old age and survivors' insurance act, or similar payments under any act of congress or state law.*

Old age benefits.

(4) *Benefits under the railroad unemployment insurance act or any state unemployment compensation act or similar laws of any state or of the United States.*

Unemployment compensation.

(f) *During the school term or customary vacation periods within the school term, if claimant has left his most recent work for the purpose of attending an established educational institution, or if claimant is a student regularly attending an established educational institution.*

School attendance.

(g) *For any week wherein claimant leaves her most recent work to be married. Such disqualification shall continue until such time as subsequently to such week additional wage credits in employment for employers shall have been earned so as to be eligible for benefits under Section 4 of this act."*

Leaving work to be married.

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Sec. 7, Chap. 137, Laws of 1937, further amended.

Section 4. That Section 7 of Chapter 137, session laws of Montana 1937, as amended by Chapter 137, session laws of the twenty-sixth legislative assembly of the State of Montana, 1939, be, and the same is hereby amended to read as follows:

CONTRIBUTIONS

"Section 7. (a) **Payment.**

Contributions, payment of.

(1) On and after January 1, 1937, contributions shall accrue and become payable by each employer for each calendar year in which he is subject to this act, with respect to wages *(as defined in Section 19 (p) paid* for employment (as defined in this act) occurring during such calendar year. Such contributions shall become due and be paid by each employer to the commission for the fund in accordance with such regulations as the commission may prescribe and shall not be deducted, in whole or in part, from the wages of individuals in his employ.

(2) In the payment of any contributions, a fractional part of a cent shall be disregarded unless it amounts to one-half (½) cent or more, in which case it shall be increased to one (1) cent.

(b) **Rate of Contributions.**

Rate of contributions.

(1) Each employer shall pay contributions equal to the following percentages of wages *(as defined in Section 19 (p) of this act) paid* by him with respect to employment:

(a) One and eight-tenths (1.8) percentum with respect to employment during the calendar year 1937;

(b) Two and seven-tenths (2.7) percentum with respect to employment during the calendar years 1938, 1939, 1940, 1941 and for each calendar year thereafter.

(c) **Study of Merit Rating.**

Study of merit rating.

The commission shall investigate and study the operation of this act and the actual experience hereunder with a view to determining the advisability of establishing a rating system which would equitably rate the unemployment risk and fix the contribution to the fund of each employer or industry and would encourage the stabilization of employment. The commission shall submit their

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report and recommendations to the governor and the legislature not later than January 1, 1943.

(d) **Wages in Excess of Three Thousand Dollars.**

Commencing January 1, 1941, the provisions of this act requiring the payment of contributions by employers subject to this act shall apply only to wages paid up to and including three thousand ($3,000.00) dollars by an employer to an employee with respect to employment during any calendar year."

Wages in excess of $3,000.00.

Section 5. That Section 8 of Chapter 137, session laws of Montana, 1937, as amended by Chapter 137, session laws of Montana, 1939, be, and the same is hereby amended to read as follows:

Sec. 8, Chap. 137, Laws of 1937, further amended.

PERIOD, ELECTION AND TERMINATION OF EMPLOYER'S COVERAGE

"Section 8. (a) Any employing unit which is or becomes an employer subject to this act within any calendar year, shall be subject to this act during the whole of such calendar year.

Period, election and termination of employer's coverage.

(b) Except as otherwise provided in Subsection (c) of this Section an employing unit shall cease to be an employer subject to this act only as of the first day of January, of any calendar year, only if it files with the commission prior to the last day of February, of such year, a written application for termination of coverage, and the commission finds that there were no twenty (20) different days, each day being in a different week within the preceding calendar year within which such employing unit employed one (1) or more individuals in an employment subject to this act, *or* the total wages payable for employment by said employer in the preceding calendar year did not exceed five hundred ($500.00) dollars. For the purposes of this Subsection, the two (2) or more employing units mentioned in paragraph (2) or (3) of Section 19 (i) shall be treated as a single employing unit.

(c) An employing unit not otherwise subject to this act, which files with the commission its written election to become an employer subject hereto for not less than two (2) calendar years, shall, with the written approval of such election by the commission become an employer subject hereto to the same extent as all other employers

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as of the date stated in such approval, and shall cease to be subject hereto as of January 1, of any calendar year, subsequent to such two (2) calendar years only if at least thirty (30) days prior to said first day of January it has filed with the commission a written notice to that effect.

Any employing unit for which services that do not constitute employment as defined in this act, are performed may file with the commission, a written election that all such services performed by individuals in its employ in one (1) or more distinct establishments or places of business shall be deemed to constitute employment for all purposes of this act for not less than two (2) calendar years.

Written approval

Upon the written approval of such election by the commission, such services shall be deemed to constitute employment subject to this act from and after the date stated in such approval. Such services shall cease to be deemed employment subject hereto as of January 1, of any calendar year subsequent to such two (2) calendar years only if at least thirty (30) days prior to such first day of January such employing unit has filed with the commission a written notice to that effect.

Sec. 12, Chap. 137, Laws of 1937, amended.

Section 6. That Section 12 of Chapter 137 of the session laws of the twenty-fifth legislative assembly of Montana, 1937, be, and the same is hereby amended to read as follows:

EMPLOYMENT SERVICE

State employment service.

"Section 12. (a) **State Employment Service.** The commission shall create a division to be known as the Montana state employment service which division shall establish and maintain free public employment offices in such number and in such places as may be necessary for the proper administration of this act, and for the purpose of performing such duties as are within the purview of the act of congress entitled; "An act to provide for the establishment of a national employment system and for cooperation with the states in the promotion of such system, and for other purposes", approved June 6, 1933 (48 Stat. 113; U. S. C., Title 29, Sec. 49 (c)), as amended. The said division shall be administered by a full time salaried director. *The commission* shall be charged with the duty to cooperate with any official or agency of the United States having power or duties under the provisions of the said act of congress, as amended, and to do and perform all

Duties.

Duties of director.

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things necessary to secure to this State the benefits of the said act of congress, as amended, in the promotion and maintenance of a system of public employment offices. The provisions of the said act of congress, as amended, are hereby accepted by this State, in conformity with Section 4 of said act, and this State will observe and comply with the requirements thereof. The *unemployment compensation commission* is hereby designated and constituted the agency of this State for the purpose of said act. The commission is directed to appoint the *personnel* of the Montana state employment service. *For the purpose of establishing and maintaining free public employment offices, the commission is authorized to enter into agreements with any political subdivisions of this State or with any private, non-profit organization, and as a part of any such agreement the commission may accept moneys, services, or quarters as a contribution to the employment service account.*"

Agreements relating to establishment of employment offices.

Section 7. That Section 13 of Chapter 137 of the twenty-fifth legislative assembly of Montana, 1937, be, and the same is, hereby amended to read as follows:

Sec. 13, Chap. 137, Laws of 1937, amended.

UNEMPLOYMENT COMPENSATION ADMINISTRATION FUND

"Section 13. (a) **Special Fund.** There is hereby created in the state treasury a special fund to be known as the unemployment compensation administration fund. All moneys which are deposited or paid into this fund are hereby appropriated and made available to the commission. All moneys in this fund shall be expended solely for the purpose of defraying the cost of the administration of this act, and for no other purpose whatsoever. *All moneys in this fund received pursuant to Section 302 of the social security act from the federal government, or any other federal agency for the furtherance of the objects of this law, shall be expended solely for the purposes and in the amounts found necessary by the social security board for the proper and efficient administration of this act.* The fund shall consist of all moneys appropriated by this State, and all moneys received from the United States of America, or any agency thereof, including the social security board and the United States employment service, or from any other source, for such purpose. All moneys in this fund shall be deposited, administered, and disbursed, in

Unemployment compensation administration fund created.

Of what moneys it consists.

How administered.

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the same manner and under the same conditions and requirements as is provided by law for other special funds in the state treasury. Any balances in this fund shall not lapse at any time, but shall be continuously available to the commission for the expenditure consistent with this act. The state treasurer shall give a separate and additional bond conditioned upon the faithful performance of his duties in connection with the unemployment compensation administration fund in an amount to be fixed by the commission and in a form prescribed by law or approved by the attorney general. The premiums for such bond and the premiums for the bond given by the treasurer of the unemployment compensation fund under Section 9 of this act, shall be paid from the moneys in the unemployment compensation administration fund.

State Treasurer to give bond.

(b) Reimbursement of Fund. This State recognizes its obligation to replace, and hereby pledges the faith of this State that funds will be provided in the future, and applied to the replacement of any moneys received after July 1, 1941, from the social security board under Title III of the social security act, any unencumbered balances in the unemployment compensation administration fund as of that date, any moneys thereafter granted to this State pursuant to the provisions of the Wagner-Peyser act, and any moneys made available by the State or its political subdivisions and matched by such moneys granted to this State pursuant to the provisions of the Wagner-Peyser act, which the social security board finds have, because of any action or contingency, been lost or have been expended for purposes other than, or in amounts in excess of, those found necessary by the social security board for the proper administration of this act. Such moneys shall be promptly supplied by moneys furnished by the State of Montana or any of its subdivisions for the use of the unemployment compensation commission and used only for purposes approved by social security board. The commission shall, if necessary, promptly report to the governor and the governor to the legislature, the amount required for such replacement. This Subsection shall not be construed to relieve this State of its obligation with respect to funds received prior to July 1, 1941, pursuant to the provisions of Title III of the social security act."

Reimbursement of fund

Sec. 14, Chap. 137, Laws of 1937, further amended.

Section 8. That Section 14 of Chapter 137, session laws of Montana, 1937, as amended by Chapter 137, session laws

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of the twenty-sixth legislative assembly of the State of Montana, 1939, be, and the same is hereby amended to read as follows:

COLLECTION OF CONTRIBUTIONS

"Section 14. (a) **Interest on Past Due Contributions.** Contributions unpaid on the date on which they are due and payable, as prescribed by the commission, shall bear interest at the rate of one (1%) percentum per month from and after such date until payment plus accrued interest is received by the commission. Interest collected pursuant to this Subsection shall be paid into the unemployment compensation fund.

Interest on past due contributions.

(b) **Collection.** If, after due notice, any employer defaults in any payment of contributions or interest thereon, the amount due shall be collected by civil action in the name of the commission, and the employer adjudged in default shall pay the costs of such action. Civil actions brought under this Section to collect contributions or interest thereon from an employer shall be heard by the court at the earliest possible date and shall be entitled to preference upon the calendar of the court over all other civil actions except petitions for judicial review under this act and cases arising under the workmen's compensation law of this State. *Action for the collection of contributions due shall be brought within five (5) years after the due date of such contributions, otherwise to be barred as provided in Section 9030, Revised Codes of Montana, 1935.*

Collection

Limitation of action.

(c) **Priorities Under Legal Dissolutions or Distributions.** In the event of any distribution of an employer's assets pursuant to an order of any court under the laws of this State, including any receivership, assignment for benefit of creditors, adjudicated insolvency, composition, or similar proceeding, contributions then or thereafter due shall be paid in full prior to all other claims except taxes and claims for wages of not more than two hundred fifty ($250.00) dollars to each claimant, earned within six (6) months of the commencement of the proceeding. In the event of an employer's adjudication in bankruptcy, judicially confirmed extension proposal, or composition, under the federal bankruptcy act, contributions then or thereafter due shall be entitled to priority of payment as a debt due

Priorities under legal dissolutions or distributions.

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the sovereign power as provided by the bankruptcy act of June 22, 1938. (Chap. 575-52 Stat. 840).

Refunds.

(d) **Refunds.** If not later than three (3) years after the date on which any contributions or interest thereon became due, an employer who has paid such contributions or interest thereon shall make application for an adjustment thereof in connection with subsequent contribution payments, or for a refund thereof because such adjustment cannot be made, and the commission shall determine that such contributions or interest or any portion thereof was erroneously collected, the commission shall allow such employer to make an adjustment thereof, without interest, in connection with subsequent contribution payments by him, or if such adjustment cannot be made the commission shall refund said amount, without interest, from the fund. For like cause and within the same period adjustment or refund may be so made on the commission's own initiative.

Lien for payment.

(e) Lien for Payment. If any contributions payable by an employer under this act, or any portion thereof, is not paid within sixty (60) days after the same becomes due, the commission may issue a certificate under its official seal, setting forth the amount of contributions due and interest accrued, directed to the sheriff of any county of the State, commanding him to levy upon and sell the real and personal property of the employer owing the same, found within his county, for the payment of the amount thereof, with the added penalties, interest and costs of executing the same and to return such certificates to the commission and pay to the commission the money collected by virtue thereof by a time to be therein specified, not more than ninety (90) days from the date of the certificate. The said sheriff shall, within five (5) days after the receipt of the certificate, file with the clerk of the district court of his county a copy thereof and thereupon the said clerk of the district court shall enter in the judgment docket, in the column for judgment debtors, the name of the employer mentioned in the certificate, and in the appropriate columns the amount of contributions due and the penalties for which the certificate is issued and the date when such copy is filed and thereupon the amount of such certificate so docketed shall become a lien upon the title to and interest in real property or chattels real of the employer against whom it is filed in the same manner as a judgment docketed in the office of such clerk. The

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said sheriff shall thereupon proceed upon the same in all respects, with like effect, and in the same manner prescribed by law in respect to executions issued against property upon judgment of a court of record, and shall be entitled to the same fees for his services in executing the certificate, to be collected in the same manner.''

Section 9. That Section 15 of Chapter 137, session laws of Montana, 1937, be and the same is hereby amended to read as follows:

Sec. 15, Chap. 137, Laws of 1937, amended.

PROTECTION OF RIGHTS AND BENEFITS

"Section 15. (a) **Waiver of Rights Void.** Any agreement by an individual to waive, release or commute his rights to benefits or any other rights under this act shall be void. Any agreement by any individual in the employ of any person or concern to pay all or any portion of an employer's contributions, required under this act from such employer, shall be void. No employer shall directly or indirectly make or require or accept any deduction from wages to finance the employer's contributions required from him, or require or accept any waiver of any right hereunder by an individual in his employ. Any employer or officer or agent of an employer who violates any provision of this Subsection shall, for each offense, be fined not more than one thousand ($1,000.00) dollars or be imprisoned for not more than six (6) months, or both.

Waiver of rights void.

Penalty.

(b) **Limitation of Fees.** No individual claiming benefits shall be charged fees of any kind in any proceeding under this act by the commission or its representatives or by any court or any officer thereof. Any individual claiming benefits in any proceeding before the chairman of an appeal tribunal or the commission or its representatives or a court may be represented by counsel or other duly authorized agent; but no such counsel or agents shall either charge or receive for such services more than an amount approved by the commission. Any person who violates any provision of this Subsection shall, for each such offense, be fined not more than five hundred ($500.00) dollars, or imprisoned for not more than six (6) months, or both.

Limitation of fees.

Claimant may be represented by agent or counsel.

Penalty.

(c) **No Assignment of Benefits; Exemptions.** Any assignment, pledge, or encumbrance of any right to benefits which are or may become due or payable under this

Right to benefits not assignable.

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act shall be void; and such rights to benefits shall be exempt from levy, execution, attachment, or any other remedy whatsoever provided for the collection of debt; and benefits received by any individual, so long as they are not mingled with other funds of the recipient, shall be exempt from any remedy whatsoever for the collection of all debts except debts incurred for necessaries furnished to such individual or his spouse, or dependents during the time when such individual was unemployed. Any waiver of any exemption provided for in this Subsection shall be void.

Exempt from levy, except for necessaries.

Waiver of exemption void.

Persons in armed forces of the United States.

(d) An individual who is inducted or enlisted in the armed forces of the United States shall not be considered as unemployed for the purposes of this act. Wage records accumulated by an individual who is inducted or enlisted in the armed forces of the United States, shall be maintained intact by the commission during the period of time such individual is in service and for ninety (90) days thereafter. Any individual who desires to preserve such wage records while serving in the armed forces of the United States shall notify the commission immediately upon being inducted or enlisted in such service, giving the date of the beginning of such service. The "base period" for benefit purposes of such individual shall be fixed and determined as of the date of such enlistment or induction into service. The wage records of such individuals shall thereupon be segregated by the commission and be maintained until the ending of such military service by the individual. Upon completing the period of service in the armed forces or discharge therefrom and upon fulfilling the eligibility requirements of Section 4 (a), (b), (c) and (d), the said individual shall be entitled to benefits under this act provided the wage credits earned by such individual prior to military service are sufficient and within the "base period" as above set out to establish eligibility under Section 4 (c). If by an act of congress or federal legislation unemployment compensation benefits or similar benefits should be established for individuals in service, the commission is hereby authorized and instructed to cooperate in such manner as may be deemed advisable and expedient in order to carry out the purpose of this act."

Sec. 19, Chap. 137, Laws of 1937, further amended

Section 10. That Section 19 of Chapter 137, session laws of Montana, 1937, as amended by Chapter 137, session

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laws of Montana, 1939, be, and the same is hereby amended to read as follows:

DEFINITIONS

"Section 19. As used in this act, unless the context clearly requires otherwise: Definitions.

(a) (1) "Annual payroll", means the total amount of wages *paid* by an employer (regardless of the time of payment) for employment during a calendar year. "Annual payroll."

(2) "Average annual payroll", means the average of the annual payrolls of an employer for the last three (3) or five (5) preceding calendar years, whichever average is higher. "Average annual payroll."

(b) "Benefits", means the money payments payable to an individual, as provided in this act, with respect to his unemployment. "Benefits."

(c) "Base period", means the first four (4) of the last five (5) completed calendar quarters immediately preceding the first day of an individual's benefit year. "Base period."

(d) "Benefit year", with respect to any individual means, the fifty-two (52) consecutive-week period beginning with the date of filing of a valid claim by said individual, and thereafter the fifty-two-consecutive-week period beginning with the date of the next valid claim filed after the termination of his last preceding benefit year. "Benefit year."

(e) "Calendar quarter", means the period of three (3) consecutive calendar months ending on March 31, June 30, September 30, or December 31, excluding however, any calendar quarter or portion thereof which occurs prior to January 1, 1937, or the equivalent thereof as the commission may by regulation prescribe. "Calendar quarter."

(f) "Commission", means the unemployment compensation commission established by this act. "Commission."

(g) "Contributions", means the money payments to the state unemployment compensation fund required by this act. "Contributions."

(h) "Employing unit", means any individual or type of organization, including any partnership, association, trust, estate, joint-stock company, insurance company or corporation, whether domestic or foreign, or the receiver, "Employing unit."

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"Employing unit."

trustee in bankruptcy, trustee or successor thereof, or the legal representative of a deceased person, which has or subsequent to January 1, 1936, had in its employ one (1) or more individuals performing services for it within this State. All individuals performing services within this State for any employing unit which maintains two (2) or more separate establishments within this State shall be deemed to be employed by a single employing unit for all the purposes of this act. Each individual employed to perform or to assist in performing the work of any agent or employee of an employing unit shall be deemed to be employed by such employing unit for all the purposes of this act, whether such individual was hired or paid directly by such employing unit or by such agent or employee, provided the employing unit had actual or constructive knowledge of the work.

"Employer."

(i) "Employer" means:

(1) Any employing unit which for some portion of a day in each of twenty (20) different weeks, whether or not such weeks are or were consecutive within either the current or the preceding calendar year, has or had in employment, one or more individuals (irrespective of whether the same individuals are or were employed in each such day); *or* whose total annual payroll within either the current or the preceding calendar year, exceeds the sum of five hundred ($500.00) dollars.

(2) Any individual or employing unit which acquired the organization, trade or business, or substantially all the assets thereof, of another which at the time of such acquisition was an employer subject to this act;

(3) Any individual or employing unit which acquired the organization, trade or business, or substantially all the assets thereof, of another employing unit (not an employer subject to this act), and which, if subsequent to such acquisition it were treated as a single unit with such other employing unit would be an employer under paragraph (1) of this Subsection;

(4) Any employing unit which, having become an employer under paragraph (1), (2) or (3) has not, under Section 10, ceased to be an employer subject to this act; or

(5) For the effective period of its election pursuant to Section 8 (c) any other employing unit which has elected to become fully subject to this act.

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(j) (1) "Employment" subject to other provisions of this Subsection means service, including service in interstate commerce, performed for wages or under any contract of hire, written or oral, express or implied. "Employment."

(2) The term "employment" shall include an individual's entire service, performed within or both within and without this State if:

(A) The service is localized in this State; or

(B) The service is not localized in any state but some of the service is performed in this State and (I) the base of operations, or, if there is no base of operations, then the place from which such service is directed or controlled, is in this State; or (II) the base of operations or place from which such service is directed or controlled is not in any state in which some part of the service is performed, but the individual's residence is in this State.

(3) Service not covered under paragraph (2) of this Subsection, and performed entirely without this State, with respect to no part of which contributions are required and paid under an unemployment compensation law of any other state or of the federal government, shall be deemed to be employment subject to this act if the individual performing such services is a resident of this State and the commission approves the election of the employing unit for whom such services are performed that the entire service of such individual shall be deemed to be employment subject to this act.

(4) Service shall be deemed to be localized within a state if— Service localized, when.

(A) The service is performed entirely within such state; or

(B) The service is performed both within and without such state, but the service performed without such state is incidental to the individual's service within the State, for example, is temporary or transitory in nature or consists of isolated transactions.

(5) Services performed by an individual for wages shall be deemed to be employment subject to this act unless and until it is shown to the satisfaction of the commission that:

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(A) Such individual has been and will continue to be free from control or direction over the performance of such services, both under his contract and in fact; and

(B) Such service is either outside the usual course of the business for which such service is performed, or that such service is performed outside of all the places of business of the enterprise for which such service is performed; and

(C) Such individual is customarily engaged in an independently established trade, occupation, profession or business.

"Employment" —what excluded.

(6) The term "employment" shall not include:

(A) Agricultural labor;

(B) Domestic service in a private home, *local college club or local chapter of a college fraternity or sorority;*

(C) Service performed as an officer or member of the crew of a vessel on the navigable waters of the United States;

(D) Service performed by an individual in the employ of his son, daughter, or spouse, and service performed by a child under the age of twenty-one (21) in the employ of his father or mother;

(E) Service performed in the employ of a corporation, community chest, fund, or foundation, organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals, *or wild life and anglers clubs or associations,* no part of the net earnings of which inures to the benefit of any private shareholder or individual;

(F) Service performed in the employ of this State, or of any political subdivision thereof, or of any instrumentality of this State or its political subdivisions;

(G) Service performed in the employ of any other state or its political subdivisions, or of the United States government, or of an instrumentality of any other state or states or their political subdivisions or of the United States, *except that national banks organized under the national banking law shall not be entitled to exemption under this Section and shall be subject to this act the same as state banks.*

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(H) Service with respect to which unemployment compensation is payable under an unemployment compensation system established by an act of congress; provided, that the commission is hereby authorized and directed to enter into agreements with the proper agencies under such act of congress, which agreements shall become effective ten (10) days after publication thereof in the manner in Section 11 (b) of this act for general rules, to provide reciprocal treatment to individuals who have, after acquiring potential rights to benefits under this act, acquired rights to unemployment compensation under such act of congress, or who have, after acquiring potential rights to unemployment compensation under such act of congress, acquired rights to benefits under this act.

(k) "Employment office", means a free public employment office, or branch thereof, operated by this State or maintained as a part of a state-controlled system of public employment offices. "Employment office."

(l) "Fund", means the unemployment compensation fund established by this act, to which all contributions required and from which all benefits provided under this act shall be paid. "Fund."

(m) "State" includes, in addition to the states of the United States of America, Alaska, Hawaii and the District of Columbia. "State."

(n) "Total unemployment": "Total unemployment."

(1) An individual shall be deemed "totally unemployed" in any week during which he performs no services and with respect to which no wages are payable to him.

(2) An individual's week of unemployment shall be deemed to commence only after his registration at an employment office, except as the commission may by regulation otherwise prescribe.

(3) As used in this Subsection the term "wages" shall include only that part of remuneration for odd jobs or subsidiary work, or both, which is in excess of five ($5.00) dollars in any one (1) week, and the term "services" shall not include that part of odd jobs or subsidiary work, or both, for which remuneration equal to or less than five ($5.00) dollars per week is payable.

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"Unemployment compensation administration fund"

(o) "Unemployment compensation administration fund", means the unemployment compensation administration fund established by this act, from which administrative expenses under this act shall be paid.

"Wages."

(p) "Wages", means all remuneration payable for personal services, including commissions and bonuses and the cash value of all remuneration payable in any medium other than cash. The reasonable cash value of remuneration payable in any medium other than cash, shall be estimated and determined in accordance with rules prescribed by the commission. *Commencing January 1, 1941, "wages", means all remuneration up to and including three thousand ($3,000.00) dollars in a calendar year paid for personal services, including commissions and bonuses and the cash value of all remuneration paid in any medium other than cash. The reasonable cash value of all remuneration paid in any medium other than cash shall be estimated and determined in accordance with rules prescribed by the commission.*

Wage records

Wage records kept by the commission for the purposes of this act prior to January 1, 1941, shall be kept on the basis of wages payable, and wage records kept by the commission for the purposes of this act after January 1, 1941, shall be kept on the basis of wages paid.

"Week."

(q) "Week", means such period of seven (7) consecutive calendar days, as the commission may by regulations prescribe.

"Weekly benefit amount"

(r) "Weekly benefit amount". An individual's "weekly benefit amount", means the amount of benefits he would be entitled to receive for one (1) week of total unemployment."

Repealing clause.

Section 11. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 12. This act shall be in full force and effect from and after its passage and approval.

Approved March 17, 1941.

CHAPTER 165

An Act to Amend Section 4465.4 of the Revised Codes of Montana of 1935, Relating to the Power to Make, Time

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of Making, and Amount of Levies for the Support and Maintenance of the Indigent Sick and Otherwise Dependent Poor of the County.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 4465.4 of the Revised Codes of Montana of 1935, be, and the same is hereby amended to read as follows:

Sec. 4465.4 Rev. Codes amended.

"Section 4465.4. The board of county commissioners has jurisdiction and power under such limitations and restrictions as are prescribed by law:

To provide for the care and maintenance of the indigent sick, or the otherwise dependent poor of the county; erect and maintain hospitals therefor, or otherwise provide for the same, and to levy the necessary tax therefor per capita, not exceeding two dollars ($2.00) *at a meeting of the board of county commissioners held in December of any year, to become effective as of January first of the following calendar year,* and a tax on property not exceeding three-fifths (3/5) of one percent (1%), *which last mentioned levy shall be made at the time other tax levies are made on property, as provided by law, or* either of such levies when both are not required, and to expend not to exceed five percent (5%) of any such levy for the collection of said tax, or of any part thereof. *Whenever a resolution is adopted levying a per capita tax the clerk of the board shall immediately prepare and deliver copies thereof to the county assessor and county treasurer. The county assessor after receiving such copy of resolution, when making an assessment of any property belonging to any person liable for the payment of such per capita tax must enter on the assessment list, and also on any statement given the taxpayer, showing the value of the property assessed, the amount of such per capita tax, and the county treasurer when collecting the taxes on such property shall at the same time collect the amount of such per capita tax as shown on said statement."*

Care of indigent persons —tax therefor

Section 2. That all acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Effective date.

Approved March 17, 1941.

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CHAPTER 166

An Act to Amend Section 3650 and 3651 of the Revised Codes of Montana, 1935, Providing for the Creation of a Fish and Game Commission for the State of Montana; Fixing the Number of Commissioners Thereof; Dividing the State Into Commissioner Districts and Defining the Boundaries of Such Districts; Providing for the Appointment of Commissioners; Prescribing Their Qualifications; and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 3650 Rev. Codes amended.

Section 1. That Section 3650 of the Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

State fish and game commission created.

"Section 3650. There is hereby created for the State of Montana a state fish and game commission, which shall *consist and* be composed of *five (5) members, who shall be appointed and who shall hold office in accordance with the provisions of this act, and who shall have the powers and duties prescribed by law. The commission created hereby shall be known as the state fish and game commission and the members thereof as the state fish and game commissioners.*"

Sec. 3651 Rev. Codes amended.

Section 2. That Section 3651 of the Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

Districts created.

"Section 3651. *The State of Montana is hereby divided into the following districts and the counties composing each district are as follows:*

District No. 1. Lincoln, Flathead, Sanders, Lake, Mineral, Missoula, Powell, Ravalli, Granite, and Lewis and Clark.

District No. 2. Deer Lodge, Silver Bow, Beaverhead, Madison, Jefferson, Broadwater, Gallatin, Park and Sweetgrass.

District No. 3. Glacier, Toole, Liberty, Hill, Pondera, Teton, Chouteau, Cascade, Judith Basin, Fergus, Blaine, Meagher and Wheatland.

District No. 4. Phillips, Valley, Daniels, Sheridan,

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Roosevelt, Petroleum, Garfield, McCone, Richland, Dawson, Wibaux.

District No. 5. Golden Valley, Musselshell, Stillwater, Carbon, Yellowstone, Big Horn, Treasure, Rosebud, Custer, Powder River, Carter, Fallon, Prairie.

Member to be appointed from each district.

One member of the commission shall be appointed from each of the foregoing districts by the governor of the State of Montana. The selection of said members shall be made without regard to political affiliation but for the sole welfare of the fish and game and wildlife of the State. No person shall be appointed a member of said commission unless he shall be informed or interested *and experienced* in the subject of wildlife, fish and game, and the requirements for the conservation and *protection* of fish, game, and game birds and animals. The first members of the commission *created hereby* shall be appointed by the governor within thirty (30) days after the passage and approval of this act.

Terms of office.

The first fish and game commissioners appointed in districts 1, and 5 shall each hold office for a term of four (4) years; the first commissioners appointed in districts 2 and 4 shall each hold office for a term of three (3) years; the first fish and game commissioner appointed in district 3 shall hold office for a term of two (2) years, and thereafter the term of office of each fish and game commissioner shall be four (4) years.

Removal for cause.

The governor *may* remove any *fish and game commissioner for inefficiency, neglect of duty, or misconduct in office, or for cause by delivering to him a copy of the charges and affording him an opportunity of being publicly heard in person or by counsel in his own defence, upon not less than fifteen (15) days' notice in writing accompanied by a statement of the charges held against him.*

Vacancies.

Vacancies occurring in the fish and game commission shall be filled by the governor *in the same manner and from the districts in which such vacancies occur.*

Surety bond required.

Each commissioner shall, before entering upon his official duties, execute and file a *surety* bond with the secretary of state, running to the State of Montana, in the penal sum of one thousand ($1,000.00) dollars, conditioned for the faithful performance of his duties and that he will account for and pay over to the fish and game fund of the

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State all moneys received by him and he shall be reimbursed for the premium on said bond from the state fish and game fund upon furnishing a proper voucher therefor."

Severability of act.

Section 3. If any clauses, sentences, paragraphs, special divisions, section or parts of this act shall be declared unconstitutional or judged invalid, such unconstitutionalities or invalidity shall not affect or invalidate any other part or portion thereof.

Repealing clause.

Section 4. All acts and parts of acts in conflict herewith are hereby repealed except that the present fish and game commissioners and their successors shall remain in office and shall exercise the powers and perform the duties now prescribed by law until the fish and game commission created by this act shall be appointed and qualified and organized as provided by law.

Effective date.

Section 5. This act shall be in full force and effect from and after the date of its passage and approval.

Approved March 17, 1941.

CHAPTER 167

An Act Assenting to the Provisions of an Act of Congress Entitled 'An Act to Provide That the United States Shall Aid the States in Wild Life Restoration Projects and for Other Purposes,' Approved September 2, 1937, and Known as 50 Federal Statutes 917, and for the Passage of Appropriate Legislation Required Thereunder, and Vesting Certain Authority in the Montana Fish and Game Commission in Connection Therewith, and Providing Certain Reservations in the Acceptance of the Federal Benefits and in the Operation of Said Act of Congress Within the State of Montana and in the Operation of This Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The congress of the United States having passed an act which was approved on September 2, 1937, and which is known as 50 Federal Statutes 917 of the acts of congress, wherein it is, among other things, provided that "no money apportioned under this Chapter to any

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state shall be expended therein until its legislature or other state agency authorized by the state constitution to make laws governing the conservation of wild life shall have assented to the provisions of this Chapter and shall have passed laws for the conservation of wild life, which shall include a prohibition against the diversion of license fees paid by hunters for any other purpose than the administration of said state fish and game department," and since the moneys referred to in the act of congress are collected in part from the hunters of this State and will not be returned to the State of Montana except the State of Montana do assent to the act, now, therefore, the State of Montana does assent to the provisions of said act of congress, which is commonly known as the Pittman-Robertson bill, but such assent is with the express reservations in this act enumerated. The State of Montana does not by the passage of this act, nor by the consent herein given, surrender to the congress of the United States or any department of the government of the United States any of those rights which are retained by the people of the State of Montana or the State of Montana and which are guaranteed to them by the ninth and tenth amendments to the constitution of the United States, nor shall this act in any manner or at all be construed or held to be the State of Montana's consent to amending the constitution of the United States in any manner or at all relative to its rights. Provided, however, that nothing herein shall be construed as giving consent to the purchase or acquisition of lands by the United States or by any of its departments or officers for establishing migratory bird sanctuaries under the migratory bird conservation act of the United States, or otherwise, and that the title to all lands acquired under the provisions of this act for wild life projects and projects constructed thereon shall be and remain in the State of Montana.

Assent to act of congress known as Pittman-Robertson bill—with certain reservations.

Section 2. The Montana fish and game commission is hereby authorized to perform such acts as may be necessary to the establishment and conduct of wild life projects as defined and authorized by said act of congress, provided every project initiated under the provisions of this act shall be under the supervision of the Montana state fish and game commission, and no laws, rules or regulations shall be passed, made or established, governing the game or fur-bearing animals or the taking or capturing of

Authority of fish and game commission.

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the same in any such projects, except they be in conformity with the laws of the State of Montana or rules promulgated by the Montana fish and game commission and the title to all lands acquired or projects created from lands purchased or acquired by deed or gift shall vest in, be and remain in the State of Montana and shall be operated and maintained by it in accordance with the laws of the State of Montana. The Montana fish and game commission shall have no power to accept benefits unless the projects created or established shall wholly and permanently belong to the State of Montana.

Power to acquire lands.

Section 3. The Montana state fish and game commission, in the name of the State and with the approval of the governor, shall have the power to acquire by purchase, either for cash or upon installments, or lease or by gift or devise, or individually or in conjunction with the government of the United States or some department or bureau thereof, such lands or other property or interests therein as may be necessary for the purpose of carrying on any wild life restoration project created and established under the provisions of said Pittman-Robertson bill of the congress of the United States, and the State of Montana does reserve to iself, acting through its legislature, the right to direct the Montana fish and game commission to abandon any wild life restoration projects created and established as the State of Montana may in its judgment think proper, provided said commission shall have no power to exercise the right of eminent domain to condemn or acquire property under this act.

Use of license fees.

Section 4. In accordance with the other requirement of said act of congress, it shall be the law of this State, so long as this assent shall be unrepealed, that no license fees paid by hunters in the State of Montana shall be used or taken for any other purpose than the administration and use of the department of fish and game of the State of Montana.

Repealing clause.

Section 5. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 6. This act to be in full force and effect from and after the date of its passage and approval.

Approved March 17, 1941.

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CHAPTER 168

An Act Providing for the Appointment of Deputies to County Officers in Counties of the Seventh Class Having Less Than 2,000 Population, and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That from and after sixty (60) days after the passage and approval of this act, there shall not be appointed in any county of the seventh class having less than 2,000 population, any deputy county officer or deputy designated by any county officer of such county, unless the appointment of such deputy, designating the term of service and compensation thereof, shall be first authorized by the board of county commissioners of such county.

Appointment of deputy county officers in certain counties.

Section 2. The board of county commissioners shall not approve any compensation in payment for services of any person appointed by or acting under any elected or appointed officer of said county, after the termination of the month succeeding the end of sixty (60) days after the passage and approval of this act, whose appointment as herein provided shall not have been authorized and approved by the board of county commissioners of such county.

Approval of compensation by county commissioners.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 4. This act shall be in full force and effect from and after its passage and approval.

Effective date.

Approved March 18, 1941.

CHAPTER 169

An Act to Amend the Following Sections of the Revised Codes of Montana, 1935, Namely: Section 3084 Relating to the Semi-monthly Payment of Wages; Section 3085 Relating to the Penalty for Section 3084; Section 3086 Relating to Discharged Employees.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3084 of the Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

Sec. 3084 Rev. Codes amended.

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"Section 3084. **Semi-monthly Payment of Wages.** *Definitions for the purpose of this act.*

Employer to give notice to employees as to wages.

"Each employer, or an authorized representative of the employer, shall on written demand, prior to the commencing of work, notify each employee as to the rate of wages to be paid, whether by the hour, day, week, month or yearly basis and date of paydays. Such notification shall be in writing to each employee or the posting of notice in a conspicuous place. The provisions of this Section shall not apply in respect to an employer who has entered into a signed collective bargaining agreement, when such agreement contains conditions of employment, wages to be received and hours to be worked, or to employers engaged in agriculture or stockraising, provided, however, such employers shall conform with the provisions of Section 3086.

Wages to be paid, when.

"Every employer of labor in the State of Montana, shall pay to *each of* his employees the wages earned by such employees at least twice in each month in lawful money of the United States, or checks on banks convertible into cash on demand at the full face value thereof, and no person for whom labor has been performed shall withhold from any employee any wages earned or unpaid for a longer period than five (5) days after the same became due and payable; *provided, however, reasonable deductions may be made for board, room, and other incidentals supplied by the employer, whenever such deductions are a part of the conditions of employment, or other deductions provided for by law;* provided *further*, that if at such time of payment *of wages* any employee shall be absent from the regular place of labor, he shall be entitled to such payment at any time thereafter. *Provisions of this Section shall not apply to any professional, supervisory or technical employees, who by custom, receive their wages earned at least once monthly.*

Permissable deductions

Exception

Definitions.

"The following are the definitions used for the purpose of this act:

(a) 'Employ' means permit or suffer to work.

(b) 'Employer' includes any individual, partnership, association, corporation, business trust, legal representative, or any organized group of persons, acting directly or indirectly in the interest of an employer in relation to

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an employee, but shall not include the United States, the State of Montana or any legal subdivision thereof.

(c) 'Employee' includes any person who works for another for hire.

(d) 'Wages' includes any moneys due an employee from the employer or employers whether to be paid by the hour, day, week, semi-monthly, monthly or yearly and shall include bonus, piece work, tips and gratuities of any kind.

(e) 'Commissioner of labor' refers to the director, commissioner or chief of the labor department as such department is defined by law, or any person or persons designated by him for the purpose of this act.''

Sec. 3085 Rev. Codes amended

Section 2. That Section 3085 of the Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

"Section 3085. **Penalty for Failure to Pay at Times Specified in Law.**

Penalty for failure to pay at times specified.

Whenever any employer, *as such employer is defined in this act,* fails to pay any of his employees, as provided in the preceding Section, *he shall be guilty of a misdemeanor.* A penalty shall *also* attach to such *employer* and become due such employee as follows: A sum equivalent to a penalty of five (5%) per cent of the wages due and not paid, as herein provided, as liquidated damages, and such penalty shall attach and suit may be brought in any court of competent jurisdiction to recover the same and the wages due.

Duty of commissioner of labor.

"It shall be the duty of the commissioner of labor to inquire diligently for any violations of this act, and to institute the actions for penalties provided for herein, in such cases as he may deem proper, and to enforce generally the provisions of this act.

Authority of county attorney.

"Nothing herein contained shall be construed to limit the authority of the county attorney of any county of the State of Montana to prosecute actions, both civil and criminal, for such violations of this act as may come to his knowledge, or to enforce the provisions hereof independently and without specific direction of the commissioner of labor.''

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Sec. 3086 Rev. Codes amended.

Section 3. That Section 3086 of the Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

"Section 3086. **Discharge Employee—Wages, When Payable.**

Payment of wages upon discharge of employee.

Whenever any employee is discharged from the employ of any such *employer*, on leaving said employment, then all the unpaid wages of such employee shall immediately become due and payable on demand, and if such *employer* fails to pay any such discharged employee, within *seven (7) days* after such discharge and demand, all the wages due and payable to him, then the same *penalties as provided for in the preceding Section shall attach*, provided, however, that if the employer shall, within the period herein specified, tender in money to such discharged employee, the full amount of the wages lawfully due such employee, the *penalties* herein provided shall not attach."

Severability of act.

Section 4. If any section, sentence, clause, or part of this act, is for any reason held to be unconstitutional, such decision shall not affect the remaining portions of this act. The legislature hereby declares that it would have passed this act, and each section, sentence, clause, or part thereof, irrespective of the fact that one or more sections, sentences, clauses, or parts thereof be declared unconstitutional.

Repealing clause.

Section 5. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 18, 1941.

CHAPTER 170

An Act Amending Section 10249 of the Revised Codes of the State of Montana for 1935, Pertaining to the Power of the Judge of the District Court to Empower an Administrator, Executor or Guardian to Morgtgage, Lease, Option or Sell Real Estate and Adding a New Section to the Said Revised Codes of the State of Montana by Adding a New Section Thereto to Be Known as Section 10256.1, Prescribing the Manner of Obtaining Authority for Sale of or for Option to Purchase Mining Property.

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Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 10249 Rev. Codes amended.

Section 1. That Section 10249 of the Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

Judge may empower administrator, executor or guardian to mortgage, option, lease or sell real estate

"Section 10249. *Judge May Empower Administrator, Executor or Guardian to Mortgage, Option, Lease or Sell Real Estate.* Whenever, in any estate now being administered, or that may hereafter be administered, *or in any guardianship proceeding now pending, or that may hereafter be pending,* it shall appear to the district court, or *to* a judge thereof, to be for the advantage of the estate to raise money upon a note or notes, to be secured by a mortgage of the real property of any decedent, *or of a minor, or of an incompetent person,* or any part thereof, or to make a lease of said *real property,* or any part thereof, *or to agree to sell or give an option to purchase a mining claim, or mining claims, or real property worked as a mine, or an undivided interest in real property,* the court or judge, as often as occasion therefor shall arise in the administration of any estate *or in the course of any guardianship matter,* may, on a petition, notice, and hearing as provided in this Chapter, authorize, empower and direct the executor or administrator, *or guardian of such minor or incompetent person,* to mortgage such real property, or any part thereof, and to execute a note or notes to be secured by such mortgage, or to lease such real estate, or any part thereof, *or to enter into an agreement to sell such real estate, or any part thereof, or to give an option to purchase such real property or any part thereof. The proceedings to be taken to obtain an order to enter into an agreement for the sale of or for an option to purchase a mining claim or claims or real property worked as a mine, and the effect thereof, shall be as provided in Section 10256.1 of this code, and the provisions of said Section in so far as applicable shall also govern the proceedings to be taken to obtain an order to enter into an agreement for the sale of or for an option to purchase an undivided interest in real property and the effect thereof.*"

Chap. 132 Rev. Codes amended.

Section 2. That Chapter 132 of the code of civil procedure of the Revised Codes of Montana, 1935, be, and the same is hereby amended by adding thereto a new Section to be numbered 10256.1, as follows:

"Section 10256.1. *Manner of Obtaining Authority for*

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Manner of obtaining authority for sale of or for option to purchase mining property.

Sale of or for Option to Purchase Mining Property. To obtain an order to enter into an agreement for the sale of, or for an option to purchase, a mining claim or claims, or real property worked as a mine, the proceedings to be taken and the effect thereof shall be as follows:

Petition, contents of.

1. *The executor, administrator, or guardian of a minor or of an incompetent person, or any person interested in the estate of such decedents, minors, or incompetent persons, may file a verified petition showing: The advantage or advantages that may accrue to the estate from entering into such agreement or option; a general description of the property to be affected by the proposed agreement or option; the terms and general conditions of the proposed agreement or option; and the names of the legatees and devisees, if any, and of the heirs of the deceased, or of the minor or of the incompetent person, so far as known to the petitioner.*

Order to show cause.

2. *Upon filing such petition an order shall be made by the court or judge requiring all persons interested in the estate to appear before the court or judge at a time and place specified, not less than two (2) or more than four (4) weeks thereafter, then and there to show cause why an agreement for the sale, or an option for the purchase of the realty should not be made, and referring to the petition on file for further particulars.*

Service of order.

3. *The order to show cause must be personally served on the persons interested in the said estate, who are residing in the county, at least ten (10) days before the time appointed for hearing the petition, or be published once a week for two (2) consecutive weeks in a newspaper of general circulation published in the county, and if there is none, then in some newspaper of general circulation in an adjoining county.*

4. *At the time and place appointed to show cause, or at such other time and place to which the hearing may be postponed, the court or judge having first received satisfactory proof of personal service or publication of the order to show cause, must proceed to hear the petition, and any objections that may have been filed or presented thereto. If, after a full hearing, the court or judge is satisfied that it will be for the advantage or best interest of the estate to enter into the proposed agreement for the sale, or option for the purchase, of the mines or real property worked as a mine, an order must be made authoriz-*

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ing, empowering and directing the executor, administrator or guardian to make such agreement or option to purchase. The order may prescribe the terms and conditions of such agreement or option to purchase. The court or judge may, at the time of making said order authorizing such agreement to sell or option to purchase, fix the amount of bond to be given by the executor, administrator or guardian, and may provide for the payment into court of the proceeds from said agreement to sell or option to purchase, and that the said executor, administrator, or guardian shall give the bond required before obtaining an order of the court for the payment to him of such proceeds from said agreement to sell or option to purchase.

Order of court authorizing agreement.

5. *After the making of the order to enter into said agreement or option to purchase, the executor, administrator or guardian shall execute, acknowledge and deliver an agreement or option to purchase containing the conditions specified in the order, setting forth in the agreement or option to purchase that it is made by authority of the order, and giving the date of such order. A certified copy of such order shall be recorded in the office of the county recorder of every county in which the land affected by the agreement or option to purchase, or any portion thereof, is situated. If the party of the second part to said agreement to sell or option to purchase neglects or refuses to comply with the terms of the agreement to sell or option to purchase, the court may, on motion of the executor, administrator or guardian, and after notice to the said party of the second part, order such agreement to sell or option to purchase canceled.*

Execution of agreement.

Copy to be recorded.

6. *The executor, administrator or guardian, after the terms of said agreement to sell, or said option to purchase, have been complied with by the party of the second part thereto, and all payments mentioned in the same have been made according to the terms of said agreement to sell or option to purchase, must make a return of his proceedings to the court, which must be filed in the office of the clerk at any time subsequent to the compliance with said conditions and the making of said payments. A hearing upon the return of the proceedings may be asked for in the return or by petition subsequently, and thereupon the clerk must fix the day of the hearing, of which notice of at least ten (10) days must be given by the clerk, by notices posted in three (3) public places in the county, or by publication*

Return of proceedings by executor, administrator or guardian

Hearing upon return.

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in a newspaper, and must briefly indicate the land or lands mentioned in the agreement to sell or option to purchase and must refer to the return for further particulars. Upon the hearing, the court must examine the return and witnesses in relation to the same.

Confirmation of sale.

If it appears to the court that the terms of the said agreement to sell or option to purchase, including all payments to be made, have been complied with, the court must make an order confirming the sale, and directing the conveyances to be executed. The sale, from that time, is confirmed and valid, and a certified copy of the order confirming it and directing conveyances to be executed, must be recorded in the office of the recorder of every county in which the land sold, or any part thereof, is situated.

Conveyances.

Conveyances must thereupon be executed to the purchaser by the executor, administrator or guardian, and they must refer to the orders of the court authorizing and confirming the sale of the property of the estate, and directing conveyances thereof to be executed and to the record of the order of confirmation in the office of the county recorder, either by the date of such recording, or by the date, volume, and page of the record, and such reference shall have the same effect as if the orders were at large inserted in the conveyance. Conveyances so made convey all the right, title, interest, and estate of the decedent, in the premises, at the time of his death; if prior to the sale, by operation of law or otherwise, the estate has acquired any right, title or interest in the premises, other than or in addition to that of the decedent at the time of his death, such right, title or interest also passes by such conveyances."

Repealing clause.

Section 3. That all acts and parts of acts in conflict herewith be, and the same are of no force or effect as regards the subject matter hereof.

Effective date.

Section 4. That this act shall be in full force and effect from and after its passage and approval.

Approved March 18, 1941.

CHAPTER 171

An Act Relating to the Sale and Lease of Unredeemed Tax Title Property by County Commissioners; Permitting Counties to Reserve Oil, Gas, and Mineral Rights and to

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Sell or Lease the Same; Providing the Method of Sale or Lease, the Giving of Notice of Such Sale, and the Terms Thereof; Providing for the Taxation Thereof After Sale; Authorizing the Exchange of Property; Validating Leases Heretofore Made; and Repealing Chapter 181, Laws of 1939, Chapter 193, Laws of 1939, and All Other Acts and Parts of Acts in Conflict Herewith, and Repealing Section 4481.2 and Section 4481.3 of the Revised Codes of Montana of 1935.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Whenever the county has acquired any land by tax deed it shall be the duty of the board of county commissioners within six (6) months after acquiring title to make and enter an order for sale of such lands at public auction at the front door of the courthouse, provided, however, that thirty (30) days' notice of such sale shall be given by publication in a newspaper printed in the county. Such notice shall be published once a week for three (3) consecutive weeks and shall be posted in at least three (3) public places in the county. Notice posted and published shall be signed by the county clerk and one notice may include a list of all lands to be offered for sale at one time. It shall describe the lands to be sold, the appraised value of same and the time and place of sale, and no sale shall be made for a price less than the fair market value thereof, as determined and fixed by the board of county commissioners prior to making the order of sale, which value shall be stated in the notice of sale. Provided, further, that at any time before the date fixed for such sale, notice of which has been given as above provided, the taxpayer or successor in interest whose property has been deeded to the county may purchase such property subject to the reservations hereinafter provided by payment to the county of the full amount of the taxes, penalties, and interest due on said land at the time of taking said tax deed and such purchase and payment may be effected by an installment contract with annual payments as hereinafter provided.

Sale of land acquired by county by tax deed, procedure for.

Section 2. Such sale shall be made for cash or, in the case of real property, on such terms as the board of county commissioners may approve; provided, however, that if such sale is made on terms at least twenty per cent (20%) of the purchase price shall be paid in cash at the date of sale and the remainder may be paid in installments ex-

Terms of sale.

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tending over a period not to exceed five (5) years and all such deferred payments shall bear interest at the rate of four per cent (4%) per annum.

Sale contract.

If a sale is made on terms, the chairman of the board of county commissioners shall execute a contract containing such terms as shall be provided by a uniform contract prescribed by the board of equalization and upon payment of the purchase price in full together with all interest which may become due on any installment or deferred payments, the chairman of the board of county commissioners shall execute a deed attested to by the county clerk to the purchaser, or his assigns, or such other instruments as shall be sufficient to convey all of the title of the county in and to the property so sold, provided that the county may reserve not to exceed six and one-fourth per cent (6¼%) royalty interest in the oil, gas, and minerals produced and saved from said land.

Deed of conveyance.

Land sold to be subject to taxation.

Section 3. On the first Monday of March following the execution of such contracts or deed the land shall be subject to taxation in the name of the purchaser or his assignee and in the event the taxes are not paid and the same become delinquent said contract shall be subject to cancellation and all payments theretofore made shall be taken, treated, and regarded as rent for said property.

Land not sold may be again offered for sale.

Section 4. In the event any of said lands are not sold at such public sale the county commissioners may at any time either again appraise, advertise, and offer the same at public auction or sell the same at private sale at the best price obtainable at not less than ninety per cent (90%) of the last appraised value and on such terms as may be agreed upon, provided the rate of interest on deferred payments shall be four per cent (4%) per annum and provided, further, that the terms other than price as to each class of land, grazing, farming, and irrigated, shall be uniform in each county.

Lease of lands not sold.

Section 5. Whenever such lands have been offered for sale at public auction and not sold, the county commissioners may, if deemed for the best interests of the county, lease said lands upon the best terms obtainable for farming, grazing, or for oil and gas development purposes, provided that such lease, when for farming land, shall not extend over a period longer than three (3) years, and when for grazing lands such lease shall not extend over a period

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longer than five (5) years, except lands within a legally created or thereafter to be created grazing district when such lease may run for a period of not to exceed ten (10) years, provided, lands leased for all purposes may be subject to sale at the discretion of the board of county commissioners during the term of the lease and leases shall be subject to all rules and regulations relative to land use policies or regulations to best advance public welfare and benefit, that may be adopted by the board of county commissioners with the advice of the county agricultural planning committee and provided, further, that the lease rental may vary according to the livestock grazing capacity of the lands leased as determined by the board of county commissioners, and when for mineral or oil and gas purposes, said lease shall be for such terms as the board of county commissioners shall deem to be for the best interest of the county, and reserve a royalty of twelve and one-half per cent (12½%) which shall include any royalty payable to any person other than the county. The county commissioners may also, after any of said lands have been offered for sale and not sold when it is deemed for the best interest of the county, exchange said lands for other lands of equal value where the effect of such exchange would be to acquire land which could be leased or sold to better advantage.

Royalty to be reserved in case of leases for mineral or oil and gas purposes.

Section 6. The proceeds of every such sale or lease shall be paid over to the county treasurer who shall apportion and distribute the same in the following manner:

Apportionment of proceeds of sales and leases.

(a) The proceeds of each sale up to the amount of ten dollars ($10.00) shall be credited to the county general fund to reimburse such for expenditures made therefrom in connection with the procuring of tax deed and holding sale.

(b) If there shall be any amount remaining of such proceeds and such remainder is in excess of the aggregate amount of all taxes and assessments accrued against such property for all funds and purposes, without penalty and interest, then so much of such remaining proceeds shall be credited to each fund or purpose, as the same would have received had such taxes been paid before becoming delinquent and all excess shall be credited to the general fund of the county.

(c) If there shall be any amount remaining of such

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proceeds and such remainder is less in amount than the aggregate amount of all taxes and assessments accrued against such property for all funds and purposes, without penalty or interest, such proceeds shall be prorated between such funds and purposes in the proportion that the amount of taxes and assessments accrued against such property for each such fund or purpose bears to the aggregate amount of taxes and assessments accrued against such property for all funds and purposes.

Confirmation of oil and gas leases heretofore made.

Section 7. That all reservations of royalty interest in oil, gas, and minerals heretofore made or attempted to be made by counties in the sale of tax deed lands and all oil and gas leases heretofore made or attempted to be made by counties covering tax deed lands, whether or not irregular or void for any reason, are hereby confirmed and declared to be legal and valid, notwithstanding the provisions of any law to the contrary.

Sale of certain property belonging to county.

Section 8. That property belonging to the county of the value of less than fifty dollars ($50.00) and property of the county acquired by means other than by tax deed may be sold as provided by Section 4465.9 of the Revised Codes of Montana of 1935, and except so far as it may conflict with the provisions of this act, said Section 4465.9 shall remain in force and effect. Nothing herein contained shall be construed as repealing Sections 4487.2, 4487.3, 4487.4 and 4487.5 of the Revised Codes of Montana of 1935.

Severability of act.

Section 9. If any Section, Subsection, sentence, clause, or phrase of this act is for any reason held unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this act.

Chapters 181 and 193, Laws of 1939, repealed.

Section 10. That Chapter 181, laws of 1939, Chapter 193, laws of 1939, and all other acts and parts of acts in conflict herewith, be, and the same are hereby repealed.

Secs. 4481.2 and 4481.3 Rev. Codes repealed.

Section 11. That Section 4481.2 and Section 4481.3 of the Revised Codes of the State of Montana of 1935, be, and the same are hereby repealed.

Effective date.

Section 12. This act shall be in full force and effect from and after its passage and approval.

Approved March 19, 1941.

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APPROPRIATIONS, MEMORIALS AND RESOLUTIONS

ENACTED BY

Twenty-seventh Legislative Assembly

STATE OF MONTANA

1941

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APPROPRIATIONS, MEMORIALS AND RESOLUTIONS

HOUSE BILL NO. 2

An Act to Appropriate Money for the Payment of Mileage and Per Diem to the Members of the Twenty-seventh Legislative Assembly and for the Payment of Per Diem to the Officers and Attaches and for Incidental Expenses of the Twenty-seventh Legislative Assembly of the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums, or so much thereof as may be necessary, be and the same are hereby appropriated, out of any money in the state treasury, not otherwise appropriated, for the objects and purposes hereinafter expressed, but for no other:

For the payment of mileage and per diem to the members of the twenty-seventh legislative assembly of the State of Montana,
One hundred three thousand dollars $103,000.00

For the payment of per diem to the officers and attaches of the twenty-seventh legislative assembly of the State of Montana,
Forty-two thousand dollars .....$ 42,000.00

For the payment of incidental expenses of the twenty-seventh legislative assembly of the State of Montana,
Twenty thousand dollars .....$ 20,000.00

Section 2. The amounts appropriated herein are to be used for the purposes designated. However, if there is a surplus in any one item it may be transferred to either of the other two items appropriated herein for the legislative assembly; provided the aggregate amount of all three appropriations shall be neither increased or decreased.

Section 3. Appropriations hereinabove provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 4. This act shall be in full force and effect from and after its passage and approval.

Approved January 8, 1941.

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SUBSTITUTE HOUSE BILL NO. 46

An Act to Appropriate Money for the Pension Accumulation Fund and the Expense Fund of the Teachers' Retirement System of the State of Montana, for the Period Beginning July 1, 1941, and Ending June 30, 1943; and Providing That the Appropriation for the Pension Accumulation Fund Shall Not Be Deemed a Determination of the Normal or Deficiency Contributions by the State.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums be, and the same are hereby appropriated, out of any moneys in the state treasury, not otherwise appropriated, for the objects and purposes hereinafter expressed for the period beginning July 1, 1941, and ending June 30, 1942.

THE TEACHERS' RETIREMENT SYSTEM OF THE STATE OF MONTANA

FROM THE GENERAL FUND

Contribution of the State to the pension accumulation fund, one hundred thousand dollars $100,000.00

For the expense fund, four thousand dollars .....$ 4,000.00

Section 2. That the following sums be, and the same are hereby appropriated, out of any moneys in the state treasury not otherwise appropriated, for the objects and purposes hereinafter expressed for the period beginning July 1, 1942, and ending June 30, 1943.

THE TEACHERS' RETIREMENT SYSTEM OF THE STATE OF MONTANA

FROM THE GENERAL FUND

Contribution of the State to the pension accumulation fund, one hundred thousand dollars $100,000.00

For the expense fund, four thousand dollars .....$ 4,000.00

Section 3. The amounts herein appropriated for the pension accumulation fund shall not be deemed to be a determination of the normal or deficiency contribution by the State under Section 8 of Chapter 87 of the laws of 1937, as amended by Chapter 202 of the laws of 1939.

Section 4. Appropriations hereinbefore provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 5. Any teacher holding any position of public trust and

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receiving pay from any county, state, or federal funds, shall not be eligible to receive teachers' pensions during the time so employed.

Approved March 12, 1941.

HOUSE BILL NO. 101

An Act Making Appropriations for the State Public School General Fund for the Period Beginning July 1, 1941 and Ending June 30, 1943.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That there is hereby appropriated from the state treasury for the state public school general fund for the period beginning July 1, 1941, and ending June 30, 1942, the following amount:

From the state general fund seven hundred thousand dollars ($700,000.00).

Section 2. That there is hereby appropriated from the state treasury for the state public school general fund for the period beginning July 1, 1942, and ending June 30, 1943, the following amount:

From the state general fund seven hundred thousand dollars ($700,000.00).

Section 3. The appropriations hereinbefore provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

Approved February 24, 1941.

HOUSE BILL NO. 106

An Act to Appropriate Money for the Operation, Maintenance and Other Purposes as Designated Herein, for Certain State Departments and Offices for the Period Beginning July 1, 1941, and Ending June 30, 1943.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. For the purpose of this act, unless otherwise required by the context:

(1) The term "salaries" means the compensation paid in consideration of services rendered to all regularly elected or appointed

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officers or employees whose duties are of a continuous nature. It does not mean wages or compensation paid in consideration of services rendered to temporary employees and for persons appointed or hired for a period of less than one (1) month, the payment of which is hereby made a proper charge from funds appropriated for "Operation."

(2) The term "capital", unless otherwise designated or defined, means all articles, fixtures and goods of a permanent nature, but, in no event, shall the term "capital" mean buildings or purchase of lands, unless specifically defined herein. Store supplies shall have the same limitations.

(3) The term "repairs" means the amount to be paid for the repair of any capital asset, including buildings or lands.

(4) The term "replacements" means the amount to be paid for the replacing of any capital asset, as defined in paragraph (2) above, by the purchase of a new one to take its place by reason of the original being worn out or broken.

(5) The term "operation" means all other expenditures which are necessary for the operation of the department, board, bureau, commission or institution to which the appropriation applies, including wages of employees paid to temporary employees for work not considered of a continuous nature.

(6) The term "salaries and expenses" means any expenses, including salaries, capital, repairs and replacements and operation, as defined above.

(7) The term "expense" means any expense defined above, with the exception of salaries.

(8) The appropriations contained in this act are intended to provide only necessary expenditures for the year for which the appropriation is provided. All claims for such expenditures must be presented for payment not later than thirty (30) days after the close of the fiscal year. Supplies purchased for a succeeding year are in violation of this act. In cases of necessity, appropriations may be used for either year, provided, however, that any unexpended balances at the end of the second year shall revert to the funds from which they were appropriated.

(9) When reference is made herein to any Chapter or Section of the laws of Montana, said reference shall include any and all laws amendatory thereto.

Section 2. That the following sums or so much thereof as may be found necessary, be, and the same are hereby appropriated out

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of any moneys in the state treasury, and from special funds enumerated herein not otherwise appropriated for the objects and purposes hereinafter expressed, for the period begining July 1, 1941, and ending June 30, 1942.

GOVERNOR'S OFFICE

FROM THE GENERAL FUND

For salaries fixed by law, twelve thousand two hundred fifty dollars ..... $ 12,250.00

For salaries not fixed by law, twenty-seven hundred dollars ..... $ 2,700.00

For capital, repairs and replacements, two hundred dollars ..... $ 200.00

For operation, sixteen hundred dollars ..... $ 1,600.00

For special investigations, seven hundred fifty dollars.... $ 750.00

For requisitions, three thousand dollars ..... $ 3,000.00

GOVERNOR'S MANSION OR HOME

FROM THE GENERAL FUND

For salaries and expenses, thirty-three hundred dollars.... $ 3,300.00

SECRETARY OF STATE

FROM THE GENERAL FUND

For salaries fixed by law, seventy-two hundred dollars.... $ 7,200.00

For salaries not fixed by law, eighty-seven hundred dollars ..... $ 8,700.00

For capital, repairs and replacements, four hundred dollars ..... $ 400.00

For operation, two thousand dollars ..... $ 2,000.00

For election expenses, publishing constitutional amendments, initiative and referendum measures, printing and binding election laws, three thousand fifty dollars..... $ 3,050.00

ATTORNEY GENERAL

FROM THE GENERAL FUND

For salaries fixed by law, nineteen thousand two hundred dollars ..... $ 19,200.00

For salaries not fixed by law, sixty-six hundred dollars ..... $ 6,600.00

For capital, repairs and replacements, six hundred twenty-five dollars ..... $ 625.00

For operation, thirty-two hundred twenty-five dollars.... $ 3,225.00

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STATE TREASURER

FROM THE GENERAL FUND

For salaries fixed by law, eighty-four hundred dollars....$ 8,400.00

For salaries not fixed by law, eight thousand dollars.....$ 8,000.00

For capital, repairs and replacements, four hundred dollars .....$ 400.00

For premiums on official bonds, eleven hundred twenty dollars .....$ 1,120.00

For operation, eleven hundred eighty-four dollars.....$ 1,184.00

STATE AUDITOR

AUDITOR'S DIVISION

FROM THE GENERAL FUND

For salaries fixed by law, sixty-six hundred dollars.....$ 6,600.00

For salaries not fixed by law, five thousand twenty dollars .....$ 5,020.00

For capital, repairs and replacements, four hundred dollars .....$ 400.00

For operation, two hundred ninety dollars .....$ 290.00

FROM THE HIGHWAY FUND

For salaries not fixed by law, thirty-five hundred dollars .....$ 3,500.00

For operation and expenses, three thousand dollars.....$ 3,000.00

INSURANCE DEPARTMENT

FROM THE GENERAL FUND

For salaries fixed by law, fifty-seven hundred dollars....$ 5,700.00

For salaries not fixed by law, seventy-five hundred dollars .....$ 7,500.00

For capital, repairs and replacements, one hundred dollars .....$ 100.00

For operation, thirty-four hundred ten dollars.....$ 3,410.00

INVESTMENT COMMISSIONER

FROM THE GENERAL FUND

For salaries not fixed by law, thirty-nine hundred dollars .....$ 3,900.00

For operation, seven hundred eighty dollars .....$ 780.00

FIRE MARSHAL

FROM THE GENERAL FUND

For salaries fixed by law, twenty-four hundred dollars....$ 2,400.00

For salaries and expenses, twenty-nine hundred dollars..$ 2,900.00

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FROM THE FIREMEN'S DISABILITY FUND

For the payment of the distribution of the firemen's disability fund, as provided in Section 5127 of the Revised Codes of Montana, 1935, an appropriation sufficient to meet the requirements as provided by law.

SUPERINTENDENT OF PUBLIC INSTRUCTION
FROM THE GENERAL FUND

Salaries fixed by law, seventy-one hundred dollars.....$ 7,100.00
Salaries not fixed by law, forty-five hundred dollars.....$ 4,500.00
For capital, repairs and replacements, two hundred dollars .....$ 200.00
For operation, fifty-three hundred fifty dollars .....$ 5,350.00

SCHOOL SUPERVISORS
FROM THE GENERAL FUND

For salaries for supervisors as provided in Chapter 149, session laws, 1937, five thousand dollars .....$ 5,000.00
For operation, eleven hundred dollars .....$ 1,100.00

CERTIFICATION DEPARTMENT
FROM THE TEACHERS' CERTIFICATE FUND

All fees and collections are hereby appropriated to carry out the provisions of Section 1095, Revised Codes of Montana, 1935.

SUPERVISED CORRESPONDENCE SCHOOL
FROM THE COMMON SCHOOL EQUALIZATION FUND

For salaries and expenses, seventeen thousand five hundred dollars .....$ 17,500.00

FROM THE GENERAL FUND

For salaries and expenses, two thousand dollars.....$ 2,000.00

SUPREME COURT
FROM THE GENERAL FUND

For salaries fixed by law, forty-nine thousand nine hundred dollars .....$ 49,900.00
For salaries not fixed by law, thirty-three hundred dollars .....$ 3,300.00
For capital, repairs and replacements, three hundred dollars .....$ 300.00
For operation, eighteen hundred seventy-six dollars .....$ 1,876.00
For Montana reports, thirty-six hundred fifteen dollars..$ 3,615.00

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ATTORNEYS' LICENSING BOARD
FROM THE ATTORNEYS' LICENSING FUND

As much as may be necessary to pay all lawful claims, as provided by law.

RAILROAD COMMISSION
RAILROAD AND PUBLIC SERVICE DIVISION
FROM THE GENERAL FUND

For salaries fixed by law, twenty-two thousand six hundred dollars ..... $ 22,600.00

For salaries not fixed by law, thirty-nine thousand dollars ..... $ 39,000.00

For capital, repairs and replacements, seven hundred dollars ..... $ 700.00

For operation, twenty-two thousand seven hundred dollars ..... $ 22,700.00

For expense in pleading I. C. C. cases, two thousand dollars ..... $ 2,000.00

The above appropriations are for the purpose of carrying out all of the functions and duties of the railroad commission, the public service commission, and the motor carrier division, the oil and gas division, gasoline licensing division and electrical safety inspection division, or any other duties prescribed by law, including salaries of secretary, stenographers, engineer, rate clerk, examiners, experts, clerks, accountants, oil and gas inspectors, safety inspector, electrical inspector, field men, and all other employees.

Section 3. That the following sums or so much thereof as may be found necessary, be, and the same are hereby appropriated out of any moneys in the state treasury, and from special funds enumerated herein not otherwise appropriated for the objects and purposes hereinafter expressed, for the period beginning July 1, 1942 and ending June 30, 1943.

GOVERNOR'S OFFICE
FROM THE GENERAL FUND

For salaries fixed by law, twelve thousand two hundred fifty dollars ..... $ 12,250.00

For salaries not fixed by law, twenty-seven hundred dollars ..... $ 2,700.00

For capital, repairs and replacements, two hundred dollars ..... $ 200.00

For operation, sixteen hundred dollars ..... $ 1,600.00

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For special investigations, seven hundred fifty dollars....$ 750.00
For requisitions, three thousand dollars .....$ 3,000.00

GOVERNOR'S MANSION OR HOME
FROM THE GENERAL FUND

For salaries and expenses, thirty-three hundred dollars..$ 3,300.00

SECRETARY OF STATE
FROM THE GENERAL FUND

For salaries fixed by law, seventy-two hundred dollars....$ 7,200.00
For salaries not fixed by law, eighty-seven hundred dollars .....$ 8,700.00
For capital, repairs and replacements, four hundred dollars .....$ 400.00
For operation, two thousand dollars .....$ 2,000.00
For election expenses, publishing constitutional amendments, initiative and referendum measures, printing and binding election laws, fifteen thousand dollars.....$ 15,000.00

ATTORNEY GENERAL
FROM THE GENERAL FUND

For salaries fixed by law, nineteen thousand two hundred dollars .....$ 19,200.00
For salaries not fixed by law, sixty-six hundred dollars..$ 6,600.00
For capital, repairs and replacements, six hundred twenty-five dollars .....$ 625.00
For operation, fifty-one hundred thirty dollars .....$ 5,130.00

STATE TREASURER
FROM THE GENERAL FUND

For salaries fixed by law, eighty-four hundred dollars....$ 8,400.00
For salaries not fixed by law, eight thousand dollars.....$ 8,000.00
For capital, repairs and replacements, three hundred dollars .....$ 300.00
For premiums on official bonds, eleven hundred twenty dollars .....$ 1,120.00
For operation, eleven hundred eighty-four dollars.....$ 1,184.00

STATE AUDITOR
AUDITOR'S DIVISION
FROM THE GENERAL FUND

For salaries fixed by law, sixty-six hundred dollars.....$ 6,600.00

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For salaries not fixed by law, five thousand twenty dollars ..... $ 5,020.00

For capital, repairs and replacements, four hundred dollars ..... $ 400.00

For operation, two hundred ninety dollars ..... $ 290.00

FROM THE HIGHWAY FUND

For salaries not fixed by law, thirty-five hundred dollars ..... $ 3,500.00

For operation and expenses, three thousand dollars..... $ 3,000.00

INSURANCE DEPARTMENT
FROM THE GENERAL FUND

For salaries fixed by law, fifty-seven hundred dollars.... $ 5,700.00

For salaries not fixed by law, seventy-five hundred dollars ..... $ 7,500.00

For capital, repairs and replacements, one hundred dollars ..... $ 100.00

For operation, thirty-four hundred ten dollars ..... $ 3,410.00

INVESTMENT COMMISSIONER
FROM THE GENERAL FUND

For salaries not fixed by law, thirty-nine hundred dollars ..... $ 3,900.00

For operation, seven hundred eighty dollars ..... $ 780.00

FIRE MARSHAL
FROM THE GENERAL FUND

For salaries fixed by law, twenty-four hundred dollars.... $ 2,400.00

For salaries and expenses, thirty-four hundred dollars.... $ 3,400.00

FROM THE FIREMEN'S DISABILITY FUND

For the payment of the distribution of the firemen's disability fund, as provided in Section 5127 of the Revised Codes of Montana, 1935, an appropriation sufficient to meet the requirements as provided by law.

SUPERINTENDENT OF PUBLIC INSTRUCTION
FROM THE GENERAL FUND

For salaries fixed by law, seventy-one hundred dollars.... $ 7,100.00

For salaries not fixed by law, forty-five hundred dollars ..... $ 4,500.00

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For capital, repairs and replacements, two hundred dollars ..... $ 200.00

For operation, thirty-eight hundred fifty dollars..... $ 3,850.00

SCHOOL SUPERVISORS
FROM THE GENERAL FUND

For salaries for supervisors as provided in Chapter 149, session laws, 1937, five thousand dollars ..... $ 5,000.00

For operation, eleven hundred dollars ..... $ 1,100.00

CERTIFICATION DEPARTMENT
FROM THE TEACHERS' CERTIFICATE FUND

All fees and collections are hereby appropriated to carry out the provisions of Section 1095, Revised Codes of Montana, 1935.

SUPERVISED CORRESPONDENCE SCHOOL
FROM THE COMMON SCHOOL EQUALIZATION FUND

For salaries and expenses, seventeen thousand five hundred dollars ..... $ 17,500.00

FROM THE GENERAL FUND

For salaries and expenses, two thousand dollars ..... $ 2,000.00

SUPREME COURT
FROM THE GENERAL FUND

For salaries fixed by law, forty-nine thousand nine hundred dollars ..... $ 49,900.00

For salaries not fixed by law, thirty-three hundred dollars ..... $ 3,300.00

For capital, repairs and replacements, three hundred dollars ..... $ 300.00

For operation, eighteen hundred seventy-six dollars..... $ 1,876.00

For Montana reports, twenty-four hundred ten dollars.... $ 2,410.00

ATTORNEYS' LICENSING BOARD
FROM THE ATTORNEYS' LICENSING FUND

As much as may be necessary to pay all lawful claims, as provided by law.

RAILROAD COMMISSION
RAILROAD AND PUBLIC SERVICE DIVISION
FROM THE GENERAL FUND

For salaries fixed by law, twenty-two thousand six hundred dollars ..... $ 22,600.00

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For salaries not fixed by law, thirty-nine thousand dollars ..... $ 39,000.00

For capital, repairs and replacements, seven hundred dollars ..... $ 700.00

For operation, twenty-two thousand seven hundred dollars ..... $ 22,700.00

For expense in pleading I. C. C. cases, two thousand dollars ..... $ 2,000.00

The above appropriations are for the purpose of carrying out all of the functions and duties of the railroad commission, the public service commission, and the motor carrier division, the oil and gas division, gasoline licensing division and electrical safety inspection division, or any other duties prescribed by law, including salaries of secretary, stenographers, engineer, rate clerk, examiners, experts, clerks, accountants, oil and gas inspectors, safety inspector, electrical inspector, field men, and all other employees.

Section 4. It is further provided that in the appropriations for the state treasurer, contained herein, no provision is made for the printing of the state treasurer's quarterly report.

Section 5. It is further provided that all appropriations contained herein shall be used for the purposes designated and no other, and wherein appropriations are made for subdivisions, the appropriations given are not interchangeable between divisions, and the definitions given in Section 1 of the act shall govern all appropriations.

Section 6. Appropriations contained herein shall not be used for travel to conventions, teachers' meetings, association meetings or gatherings of like character, wherein the said meetings are held outside of the State of Montana except by special permission of the state board of examiners who may deem it necessary for attendance on such meetings. The state board of examiners shall spread on their minutes the reasons for their permission.

Section 7. Appropriations hereinabove provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 8. In the case of all departments, boards, bureaus, commissions and agencies which are authorized to collect or receipt for license fees or other revenues which had heretofore been deposited in a special fund for the use of said departments, boards, bureaus, commissions or agencies, said departments, boards, bureaus, commissions and agencies are hereby required to file with the state board of examiners a monthly report showing the amount collected and the

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source from which collected and also the amount collected for the previous year for the corresponding month. In case of large discrepancies the board shall examine into the causes for such discrepancy, and they shall take such action as the case may justify.

Approved March 14, 1941.

HOUSE BILL NO. 122

An Act to Appropriate Ten Thousand Dollars ($10,000.00) per Annum to Aid in the Continuation of the Cooperative Work Now Being Carried on by the Montana Livestock Commission and the United States Department of the Interior, Fish and Wildlife Service, in the Control of Predatory Animals in the State of Montana and Said Funds to Be Subject to the Order of the Livestock Commission of the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of ten thousand dollars ($10,000.00), per annum, be and the same is, hereby appropriated out of the general funds in the state treasury, such money to be used and expended by the state livestock commission in cooperation with the United States fish and wildlife service in continuing the work now being carried out in the destruction of predatory animals which are injurious to wild game, poultry, livestock and the public health in the State of Montana; provided, that the state livestock commission, in cooperation with the United States fish and wildlife service, is authorized also to enter into cooperative agreements with other governmental agencies, counties and associations when such cooperation is deemed to be necessary to promote the control and destruction of predatory animals.

Section 2. That the amount of money hereby appropriated shall be subject to the order of the state livestock commission of the State of Montana, only, and shall be used for the expenditures of hunters' salaries and expenses, expenditures for equipment, materials and supplies, and no other.

Section 3. That all furs, skins and specimens taken by hunters employed from this fund shall be disposed of by order of the Montana livestock commission and said funds received from the sale of said furs, skins and specimens shall be expended as provided in Section 2 of this act.

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Section 4. All acts and parts of acts in conflict herewith are hereby repealed.

Section 5. This act shall be in full force and effect from and after July 1, 1941.

Approved February 28, 1941.

HOUSE BILL NO. 174

An Act to Appropriate Money for the Operation and Maintenance of, and Other purposes as Designated Herein, for the Several Units of the Greater University of Montana, Known as the Montana State University, Montana State College, Experiment Stations and Substations and Extension Service Thereof, Montana School of Mines, Montana State Normal College at Dillon, Eastern Montana State Normal School at Billings, and Northern Montana College at Havre, and for Student Fare Refunds for the Period Beginning July 1, 1941, and Ending June 30, 1943.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. For the purpose of this act, unless otherwise required by the context:

(1) The term "salaries" means the compensation paid in consideration of services rendered to all regularly elected or appointed officers or employees whose duties are of a continuous nature. It does not mean wages or compensation paid in consideration of services rendered to temporary employees and for persons appointed or hired for a period of less than one month, the payment of which is hereby made a proper charge from funds appropriated for "operation".

(2) The term "capital", unless otherwise designated or defined, means all articles, fixtures and goods of a permanent nature, but, in no event, shall the term "capital" mean buildings or purchase of land, unless specifically defined herein. Store supplies shall have the same limitations.

(3) The term "repairs" means the amount to be paid for the repair of any capital asset, including buildings or lands.

(4) The term "replacements" means the amount to be paid for the replacing of any capital asset, as defined in paragraph (2) above, by the purchase of a new one to take its place by reason of the original asset being worn out or broken.

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(5) The term "operation" means all other expenditures which are necessary for the operation of the department, board, bureau, commission or institution to which the appropriation applies, including wages of employees paid to temporary employees for work not considered of a continuous nature.

(6) The term "salaries and expenses" means any expense, including salaries, capital, repairs and replacements and operations, as defined above.

(7) The term "expense" means any expense defined above, with the exception of salaries.

(8) When reference is made herein to any Chapter or Section of the laws of Montana, said reference shall include any and all laws amendatory thereto.

Section 2. That the following sums, or so much thereof as may be found necessary, be, and the same are hereby appropriated out of any money in the state treasury, and also from the special funds described herein, not otherwise appropriated, for the objects and purposes hereinafter expressed, for the period beginning July 1, 1941, and ending June 30, 1942.

MONTANA STATE UNIVERSITY AT MISSOULA

I FROM THE UNIVERSITY MILLAGE FUND

For salaries and expenses, two hundred eighty-five thousand eight hundred sixty dollars $285,860.00

For adjustments and partial restorations of salary decreases of 1933, not retroactive, for instructional staff and clerical employees only, twenty thousand dollars..... $ 20,000.00

For adjustment and restoration of wage decreases of 1933, not retroactive, for employees' salaries in the physical plant, five thousand two hundred forty dollars ..... $ 5,240.00

For experiment station salaries and expenses, five thousand dollars ..... $ 5,000.00

II FROM THE GENERAL FUND

For salaries and expenses, one hundred fifty-five thousand dollars $155,000.00

III In addition to the foregoing appropriations, all earnings of the experiment station of said state university, and also, all federal funds alloted or accruing thereto, shall be set aside in a special fund and are hereby appropriated to the said experiment station.

IV In addition to the above appropriations, there is hereby appropriated for the support and maintenance of the state university,

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all income from all land grants and all endowments, and all trust funds.

MONTANA STATE COLLEGE

I FROM THE UNIVERSITY MILLAGE FUND

For salaries and expenses, two hundred ten thousand dollars $210,000.00

For purchase of additional lots, four hundred forty dollars ..... $ 440.00

II FROM THE GENERAL FUND

For salaries and expenses, one hundred five thousand dollars $105,000.00

III In addition to the above appropriations, there is hereby appropriated for the support and maintenance of the Montana state college (however described), all income from all land grants and all endowments, and all federal funds, and also, all trust funds.

IV In addition to the foregoing appropriations, all revenue received as fees or collections for the benefit of the department of nursing education shall be deposited with the state treasurer as a trust account and the entire amount is hereby appropriated solely for such purpose.

MONTANA AGRICULTURAL EXPERIMENT STATION

I FROM THE UNIVERSITY MILLAGE FUND

For salaries and expenses, sixty thousand dollars..... ...$ 60,000.00

II All moneys collected by the experiment station and animal husbandry department shall be set aside in a special fund, from which fund there is hereby appropriated for the use of the Montana agricultural experiment station so much thereof as may be necessary for the payment of salaries and expenses.

III In addition to the above appropriations, there is hereby appropriated for the Montana agricultural experiment station, all federal funds and also all trust funds.

EXPERIMENTAL SUB-STATIONS OF THE MONTANA AGRICULTURAL EXPERIMENT STATION

I FROM THE UNIVERSITY MILLAGE FUND

For salaries and expenses for each of the following sub-stations and branches:

Montana grain inspection laboratory, fifty-five hundred dollars ..... $ 5,500.00

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Horticulture branch station, fifty-seven hundred dollars ..... $ 5,700.00
Huntley branch station, twelve hundred dollars ..... $ 1,200.00
Judith Basin branch station, sixty-eight hundred dollars ..... $ 6,800.00
Fort Keough range station, twelve hundred dollars..... $ 1,200.00
North Montana branch station, eleven thousand eight hundred dollars ..... $ 11,800.00

II FROM THE GENERAL FUND

For salaries and expenses for each of the following branches:
Horticulture branch, three hundred fifty dollars ..... $ 350.00
Judith Basin branch station, sixteen hundred dollars.... $ 1,600.00
North Montana branch station, thirty-two hundred dollars ..... $ 3,200.00

EXTENSION SERVICE OF THE MONTANA STATE COLLEGE

I FROM THE UNIVERSITY MILLAGE FUND

For salaries and expenses, fifty thousand dollars ..... $ 50,000.00

II FROM THE GENERAL FUND

For salaries and expenses, thirty-six hundred dollars..... $ 3,600.00

III In addition to each of the above appropriations, there is hereby also appropriated for the extension service, all federal funds and all trust funds.

MONTANA SCHOOL OF MINES, AT BUTTE

I FROM THE UNIVERSITY MILLAGE FUND

For salaries and expenses, seventy thousand two hundred dollars ..... $ 70,200.00

II FROM THE GENERAL FUND

For salaries and expenses, seventeen thousand dollars. .. $ 17,000.00

III In addition to each of the above appropriations, there is also hereby appropriated for the support and maintenance of the Montana School of Mines, all income from all land grants and all endowments, and all trust funds.

BUREAU OF MINES AND GEOLOGY

I FROM THE UNIVERSITY MILLAGE FUND

For salaries and expenses, ninety-two hundred dollars... $ 9,200.00

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MONTANA STATE NORMAL COLLEGE, AT DILLON

I FROM THE UNIVERSITY MILLAGE FUND

For salaries and expenses, sixty-nine thousand dollars....$ 69,000.00

II FROM THE GENERAL FUND

For salaries and expenses, twelve thousand five hundred dollars .....$ 12,500.00

III In addition to each of the above appropriations, there is hereby also appropriated for the support and maintenance of the Montana state normal college at Dillon, one-half (½) of all income from all land grants, and all endowments, applicable under existing law, and all trust funds.

EASTERN MONTANA STATE NORMAL SCHOOL, AT BILLINGS

I FROM THE UNIVERSITY MILLAGE FUND

For salaries and expenses, sixty-seven thousand dollars....$ 67,000.00

II FROM THE GENERAL FUND

For salaries and expenses, fourteen thousand five hundred dollars .....$ 14,500.00

III In addition to each of the above appropriations, there is hereby also appropriated for the support and maintenance of the eastern Montana state normal school, one-half (½) of all income from all land grants and all endowments, applicable under existing law, and all trust funds.

NORTHERN MONTANA COLLEGE, AT HAVRE

I FROM THE UNIVERSITY MILLAGE FUND

For salaries and expenses, eighty-five thousand dollars....$ 85,000.00

II FROM THE GENERAL FUND

For salaries and expenses, eighteen thousand dollars.....$ 18,000.00

III In addition to each of the above appropriations, there is also hereby appropriated all trust funds.

STUDENT RAILROAD REFUNDS

I FROM THE UNIVERSITY MILLAGE FUND

To equalize the traveling fare of students in attendance upon any of the institutions of the greater university of Montana, two thousand dollars .....$ 2,000.00

Section 3. That the following sums, or so much thereof as may be found necessary, be, and the same are hereby appropriated out of

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any moneys in the state treasury, and also from the special funds described herein, not otherwise appropriated, for the objects and purposes hereinafter expressed, for the period beginning July 1, 1942, and ending June 30, 1943.

MONTANA STATE UNIVERSITY AT MISSOULA

I FROM THE UNIVERSITY MILLAGE FUND

For salaries and expenses, two hundred ninety-five thousand eight hundred sixty dollars $295,860.00

For adjustments and partial restorations of salary decreases of 1933, not retroactive, for instructional staff and clerical employees only, twenty-three thousand dollars ..... $ 23,000.00

For adjustment and restoration of wage decreases of 1933, not retroactive, for employees' salaries in the physical plant, eight thousand two hundred forty dollars.... $ 8,240.00

For experiment station salaries and expenses, five thousand dollars ..... $ 5,000.00

II FROM THE GENERAL FUND

For salaries and expenses, one hundred fifty-five thousand dollars $155,000.00

III In addition to the foregoing appropriations, all earnings of the experiment station of said state university, and also, all federal funds allotted or accruing thereto, shall be set aside in a special fund, and are hereby appropriated to the said experiment station.

IV In addition to the above appropriations, there is hereby appropriated for the support and maintenance of the state university, all income from all land grants and all endowments, and all trust funds.

MONTANA STATE COLLEGE

I FROM THE UNIVERSITY MILLAGE FUND

For salaries and expenses, two hundred thirteen thousand two hundred dollars $213,200.00

II FROM THE GENERAL FUND

For salaries and expenses, one hundred five thousand dollars $105,000.00

III In addition to the above appropriations, there is hereby appropriated for the support and maintenance of the Montana state college (however described), all income from all land grants and all endowments, and all federal funds, and, also, all trust funds.

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IV In addition to the foregoing appropriations, all revenue received as fees or collections for the benefit of the department of nursing education shall be deposited with the state treasurer as a trust account and the entire amount is hereby appropriated solely for such purpose.

MONTANA AGRICULTURAL EXPERIMENT STATION

I FROM THE UNIVERSITY MILLAGE FUND

For salaries and expenses, sixty-five thousand dollars....$ 65,000.00

II All moneys collected by the experiment station and animal husbandry department shall be set aside in a special fund, from which fund there is hereby appropriated for the use of the Montana agricultural experiment station, so much thereof as may be necessary for the payment of salaries and expenses.

III In addition to the above appropriations, there is hereby appropriated for the Montana agricultural experiment station, all federal funds and also all trust funds.

EXPERIMENTAL SUB-STATIONS OF THE MONTANA AGRICULTURAL EXPERIMENT STATION

I FROM THE UNIVERSITY MILLAGE FUND

For salaries and expenses for each of the following sub-stations and branches:

Montana grain inspection laboratory, fifty-five hundred dollars ..... $ 5,500.00

Horticulture branch station, fifty-seven hundred dollars ..... $ 5,700.00

Huntley branch station, twelve hundred dollars ..... $ 1,200.00

Judith Basin branch station, sixty-eight hundred dollars ..... $ 6,800.00

Fort Keough range station, twelve hundred dollars ..... $ 1,200.00

North Montana branch station, eleven thousand eight hundred dollars ..... $ 11,800.00

II FROM THE GENERAL FUND

For salaries and expenses for each of the following branches:

Horticulture branch, three hundred fifty dollars ..... $ 350.00

Judith Basin branch station, sixteen hundred dollars....$ 1,600.00

North Montana branch station, thirty-two hundred dollars ..... $ 3,200.00

III In addition to each of the above appropriations, there is also hereby appropriated all moneys collected by the grain inspection lab-

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oratory for the use of that department; and in addition there is hereby appropriated for each of the sub-stations all federal funds and also all trust funds.

EXTENSION SERVICE OF THE MONTANA STATE COLLEGE

I FROM THE UNIVERSITY MILLAGE FUND

For salaries and expenses, fifty-five thousand dollars.....$ 55,000.00

II FROM THE GENERAL FUND

For salaries and expenses, thirty-six hundred dollars.....$ 3,600.00

III In addition to each of the above appropriations, there is hereby also appropriated for the extension service, all federal funds and all trust funds.

MONTANA SCHOOL OF MINES AT BUTTE

I FROM THE UNIVERSITY MILLAGE FUND

For salaries and expenses, seventy thousand two hundred dollars .....$ 70,200.00

II FROM THE GENERAL FUND

For salaries and expenses, seventeen thousand dollars....$ 17,000.00

III In addition to each of the above appropriations, there is also hereby appropriated for the support and maintenance of the Montana school of mines, all income from all land grants and all endowments, and all trust funds.

BUREAU OF MINES AND GEOLOGY

I FROM THE UNIVERSITY MILLAGE FUND

For salaries and expenses, ninety-two hundred dollars....$ 9,200.00

MONTANA STATE NORMAL COLLEGE, AT DILLON

I FROM THE UNIVERSITY MILLAGE FUND

For salaries and expenses, sixty-nine thousand dollars....$ 69,000.00

II FROM THE GENERAL FUND

For salaries and expenses, twelve thousand five hundred dollars .....$ 12,500.00

III In addition to each of the above appropriations, there is hereby also appropriated for the support and maintenance of the Montana state normal college at Dillon, one-half (½) of all income from all land grants, and all endowments, applicable under existing law, and all trust funds.

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EASTERN MONTANA STATE NORMAL SCHOOL, AT BILLINGS

I FROM THE UNIVERSITY MILLAGE FUND

For salaries and expenses, sixty-eight thousand dollars ..$ 68,000.00

II FROM THE GENERAL FUND

For salaries and expenses, fourteen thousand five hundred dollars .....$ 14,500.00

III In addition to each of the above appropriations, there is hereby also appropriated for the support and maintenance of the eastern Montana state normal school, one-half (½) of all income from all land grants and all endowments, applicable under existing law, and all trust funds.

NORTHERN MONTANA COLLEGE, AT HAVRE

I FROM THE UNIVERSITY MILLAGE FUND

For salaries and expenses, eighty-five thousand dollars....$ 85,000.00

II FROM THE GENERAL FUND

For salaries and expenses, eighteen thousand dollars.....$ 18,000.00

III In addition to each of the above appropriations, there is also hereby appropriated and all trust funds.

STUDENT RAILROAD REFUNDS

I FROM THE UNIVERSITY MILLAGE FUND

To equalize the traveling fare of students in attendance upon any of the institutions of the greater university of Montana, two thousand dollars .....$ 2,000.00

Section 4. Specific provisions.

All appropriations contained herein shall be used for the purposes designated, and no others, subject to and under the definitions appearing in Section 1, of this act, which shall govern all appropriations.

In the event any institution, department, station or service, or other division receives specific appropriations from sources other than the university millage fund, or the general fund, excepting trust funds governed by specific provisions of law, the money from such other sources shall be used to the extent lawfully available, before resorting to the appropriations from the university millage fund, or the general fund.

Section 5. The appropriations contained herein shall not be used for travel to conventions, teachers' meetings, association meetings,

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or gatherings of like character, wherein said meetings are held outside the State of Montana, except by special permission of the state board of examiners, obtained in advance.

The appropriations contained herein shall not be available for salaries or expenses of a chancellor for the greater university of Montana.

The appropriations provided for herein shall not be available for expansion of instructional staff, except at eastern Montana state normal school at Billings, Montana state college and northern Montana college.

Section 6. The appropriations provided for herein shall be deemed and held valid notwithstanding any provisions of the budget act.

Section 7. Each unit of the greater university of Montana which is authorized to collect or receipt for license fees or other revenues which had heretofore been deposited in the revolving fund for the use of said unit is hereby required to file with the state board of examiners a monthly report showing the amount collected and the source from which collected and also the amount collected for the previous year for the corresponding month. In case of large discrepancies the board shall examine into the causes for such discrepancy, and they shall take such action as the case may justify.

Approved, with the exception of the two paragraphs referred to in message of transmittal hereto attached, this March 17, 1941.

State of Montana
OFFICE OF THE GOVERNOR
Helena

SAM C. FORD,
Governor.

March 17, 1941.

Honorable Sam W. Mitchell,
Secretary of State,
Helena, Montana.

Dear Sir:

Herewith I am transmitting House Bill No. 174, with my approval save and except in the two instances here enumerated.

In Section 2 of said bill, which includes appropriations from the university millage fund for the period beginning July 1, 1941, and ending June 30, 1942, the following words occurring in item I: "For experiment station salaries and expenses, five thousand dollars ($5,000.00)" are vetoed.

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In Section 3 of said bill, which includes appropriations from the university millage fund for the period beginning July 1, 1942, and ending June 30, 1943, the following words occurring in item 1: "For experiment station salaries and expenses, five thousand dollars ($5,000.00)" are vetoed.

These paragraphs are disapproved for the reason that fees received by the experiment station and the assistance extended by the federal government are sufficient for the efficient operation of the station.

With the two exceptions hereinabove specifically pointed out, House Bill No. 174 is approved.

Very truly yours,

SAM C. FORD,
Governor.

HOUSE BILL NO. 187

An Act to Appropriate Money for the Operation, Maintenance and Other Purposes, as Designated Herein, for Certain of the State's Institutions, for the Period Beginning July 1, 1941, and Ending June 30, 1943.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. For the purpose of this act, unless otherwise required by the context:

(1) The term "salaries" means the compensation paid in consideration of services rendered to all regularly elected or appointed officers or employees whose duties are of a continuous nature. It does not mean wages or compensation paid in consideration of services rendered to temporary employees and for persons appointed or hired for a period of less than one month, the payment of which is hereby made a proper charge from funds appropriated for "operation".

(2) The term "capital", unless otherwise designated or defined, means all articles, fixtures and goods of a permanent nature, but, in no event, shall the term "capital" mean buildings or purchase of lands, unless specifically defined herein. Store supplies shall have the same limitations.

(3) The term "repairs" means the amount to be paid for the repair of any capital asset, including buildings or lands.

(4) The term "replacements" means the amount to be paid for the replacing of any capital asset, as defined in paragraph (2) above,

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by the purchase of a new one to take its place by reason of the original being worn out or broken.

(5) The term "operation" means all other expenditures which are necessary for the operation of the department, board, bureau, commission or institution to which the appropriation applies, including wages of employees paid to temporary employees for work not considered of a continuous nature.

(6) The term "salaries and expenses" means any expense, including salaries, capital, repairs and replacements and operation, as defined above.

(7) The term "expense" means any expense defined above, with the exception of salaries.

(8) The appropriations contained in this act are intended to provide only necessary expenditures for the year for which the appropriation is provided. All claims for such expenditures must be presented for payment not later than thirty (30) days after the close of the fiscal year. Supplies purchased for a succeeding year are in violation of this act. In cases of necessity, appropriations may be used for either year, provided, however, that any unexpended balances at the end of the second year shall revert to the funds from which they were appropriated.

(9) When reference is made herein to any Chapter or Section of the laws of Montana, said reference shall include any and all laws amendatory thereto.

Section 2. That the following sums, or so much thereof as may be found necessary, be, and the same are hereby appropriated out of any moneys in the state treasury, and from special funds enumerated herein, not otherwise appropriated, for the objects and purposes hereinafter expressed, for the period beginning July 1, 1941, and ending June 30, 1942.

STATE SCHOOL FOR DEAF AND BLIND
FROM THE GENERAL FUND

For salaries and expenses, fifty-four thousand eight hundred dollars ..... $ 54,800.00

In addition thereto there is hereby appropriated all income from land grants and all trust funds subject to any provisions of outstanding bonds.

STATE TRAINING SCHOOL
FROM THE GENERAL FUND

For salaries and expenses, one hundred twenty thousand dollars $120,000.00

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In addition thereto there is hereby appropriated all trust funds subject to any provisions of outstanding bonds.

STATE ORPHANS' HOME
FROM THE GENERAL FUND

For salaries and expenses, eighty-seven thousand five hundred dollars ..... $ 87,500.00

In addition thereto there is hereby appropriated all trust funds which may accrue to said institution.

STATE INDUSTRIAL SCHOOL
FROM THE GENERAL FUND

For salaries and expenses, fifty-seven thousand dollars..$ 57,000.00

In addition thereto there is hereby appropriated all income from land grants and all trust funds subject to any provisions of outstanding bonds.

STATE VOCATIONAL SCHOOL FOR GIRLS
FROM THE GENERAL FUND

For salaries and expenses, forty-four thousand dollars....$ 44,000.00

In addition thereto there is hereby appropriated all trust funds which may accrue to said institution.

STATE PRISON
FROM THE GENERAL FUND

For salaries and expenses, one hundred sixty-four thousand dollars $164,000.00

For salary of bandmaster, two thousand dollars ..... $ 2,000.00

In addition thereto there is hereby appropriated all trust funds which may accrue to said institution.

LICENSE PLATE FACTORY
FROM THE MOTOR VEHICLE FUND

For salaries and expenses, so much thereof as may be necessary to pay lawful claims in the making of license plates as provided in Section 11573.5 of the Revised Codes of Montana, 1935.

STATE GARMENT FACTORY
FROM THE GENERAL FUND

For salaries and expenses, six thousand dollars ..... $ 6,000.00

STATE HOSPITAL
FROM THE GENERAL FUND

For salaries and expenses, four hundred three thousand seventy-five dollars $403,075.00

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For salaries of additional attendants, seventeen thousand five hundred dollars ..... $ 17,500.00

For salaries and expenses for nurses and occupational therapy, five thousand dollars ..... $ 5,000.00

For salary of administrative assistant, not to exceed twenty-seven hundred dollars ..... $ 2,700.00

In addition thereto there is hereby appropriated all trust funds subject to any provisions of outstanding bonds.

STATE TUBERCULOSIS SANITARIUM
FROM THE GENERAL FUND

For salaries and expenses, two hundred fourteen thousand four hundred sixty dollars $214,460.00

For salary of additional doctor, not to exceed three thousand dollars ..... $ 3,000.00

In addition thereto there is hereby appropriated all trust funds subject to any provisions of outstanding bonds.

STATE SOLDIERS' HOME
FROM THE GENERAL FUND

For salaries and expenses, forty thousand dollars..... $ 40,000.00

In addition thereto there is hereby appropriated all federal moneys and all trust funds which may accrue to said institution.

Section 3. That the following sums or so much thereof as may be found necessary, be, and the same are hereby appropriated out of any moneys in the state treasury, and from special funds enumerated herein, not otherwise appropriated, for the objects and purposes hereinafter expressed, for the period beginning July 1, 1942, and ending June 30, 1943.

STATE SCHOOL FOR DEAF AND BLIND
FROM THE GENERAL FUND

For salaries and expenses, fifty-four thousand eight hundred dollars ..... $ 54,800.00

In addition thereto there is hereby appropriated all income from land grants and all trust funds subject to any provisions of outstanding bonds.

STATE TRAINING SCHOOL
FROM THE GENERAL FUND

For salaries and expenses, one hundred twenty thousand dollars $120,000.00

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In addition thereto there is hereby appropriated all trust funds subject to any provisions of outstanding bonds.

STATE ORPHANS' HOME
FROM THE GENERAL FUND

For salaries and expenses, eighty-seven thousand five hundred dollars ..... $ 87,500.00

In addition thereto there is hereby appropriated all trust funds which may accrue to said institution.

STATE INDUSTRIAL SCHOOL
FROM THE GENERAL FUND

For salaries and expenses, fifty-seven thousand dollars..$ 57,000.00

In addition thereto there is hereby appropriated all income and land grants and all trust funds subject to any provisions of outstanding bonds.

STATE VOCATIONAL SCHOOL FOR GIRLS
FROM THE GENERAL FUND

For salaries and expenses, forty-four thousand dollars....$ 44,000.00

In addition thereto there is hereby appropriated all trust funds which may accrue to said institution.

STATE PRISON
FROM THE GENERAL FUND

For salaries and expenses, one hundred sixty-four thousand dollars $164,000.00

For salary of bandmaster, two thousand dollars ..... $ 2,000.00

In addition thereto there is hereby appropriated all trust funds which may accrue to said institution.

LICENSE PLATE FACTORY
FROM THE MOTOR VEHICLE FUND

For salaries and expenses, so much thereof as may be necessary to pay lawful claims in the making of license plates as provided in Section 11573.5 of the Revised Codes of Montana, 1935.

STATE GARMENT FACTORY
FROM THE GENERAL FUND

For salaries and expenses, five thousand dollars ..... $ 5,000.00

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STATE HOSPITAL
FROM THE GENERAL FUND

For salaries and expenses, four hundred ten thousand seven hundred fifty-five dollars $410,755.00

For salaries of additional attendants, thirty-five thousand dollars ..... $ 35,000.00

For salaries and expenses for nurses and occupational therapy, five thousand dollars ..... $ 5,000.00

For salary of administrative assistant, not to exceed twenty-seven hundred dollars ..... $ 2,700.00

In addition thereto there is hereby appropriated all trust funds subject to any provisions of outstanding bonds.

STATE TUBERCULOSIS SANITARIUM
FROM THE GENERAL FUND

For salaries and expenses, two hundred sixteen thousand four hundred eighty-five dollars $216,485.00

For salary of additional doctor, not to exceed three thousand dollars ..... $ 3,000.00

In addition thereto there is hereby appropriated all trust funds subject to any provisions of outstanding bonds.

STATE SOLDIERS' HOME
FROM THE GENERAL FUND

For salaries and expenses, forty thousand dollars..... ..... $ 40,000.00

In addition thereto there is hereby appropriated all federal moneys and all trust funds which may accrue to said institution.

Section 4. Provided further, that all appropriations contained herein shall be used for the purposes designated and no other, and the definitions given in Section 1 of this act shall govern all appropriations.

Section 5. Appropriations contained herein shall not be used for travel to conventions, teachers' meetings, association meetings or gatherings of like character, wherein the said meetings are held outside of the State of Montana, except by special permission of the state board of examiners who may deem it necessary for attendance on such meetings. The state board of examiners shall spread on their minutes the reasons for their permission. It is expressly understood that Subsection (2) of Section 1 of this act shall mean that no new buildings shall be constructed nor any of the funds appropriated herein shall be pledged for that purpose.

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Section 6. It is further provided that wherein departments or institutions have specific appropriations from sources other than the general fund, excepting trust funds wherein a specific law governs, the money from such other sources shall be used, when available, before using the appropriations from the general fund.

Section 7. Appropriations hereinabove provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

Approved March 14, 1941.

HOUSE BILL NO. 314

An Act Appropriating Money for Repayment to Big Horn County of Money Paid by It to the State Insane Asylum by Mistake and Which Was Used for the Direct Benefit of All the People of Montana, and for Which No Reimbursement Has Been Made to Big Horn County.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That whereas Big Horn county has paid to the state insane asylum the sum of twenty-six thousand five hundred and ninety dollars ($26,590.00) for the care of insane patients committed from Big Horn county, because of the belief that sworn claims submitted to it by the state insane asylum and which had been considered and approved by the state examiner's office in auditing the books of Big Horn county were valid and legal claims against it, and paid by it because of such belief, and

Whereas, it has been determined that said moneys were paid without right and did not constitute a legal or valid claim against Big Horn county and that said county was the only county in Montana making such payment, and

Whereas, Big Horn county presented a claim for reimbursement of said moneys so paid by it to the state board of examiners and such claim was by them unanimously approved, and it further appearing that the moneys so paid to the state insane asylum were used for the direct benefit of all the people of Montana, and that its use has heretofore permitted the appropriation of an amount for the care of the insane less than that which would have been required but for such payment by Big Horn county, and that said moneys so paid constitute a valid and just claim against the State of Montana;

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Now, therefore, there is hereby appropriated out of any moneys in the treasury of the State of Montana belonging to the general fund, not otherwise appropriated, the sum of twenty-six thousand five hundred ninety dollars ($26,590.00) for payment to Big Horn county, and the state auditor is hereby authorized and directed to draw a warrant on the general fund, payable to Big Horn county in payment of said amount, and the state treasurer is hereby directed to pay the same.

Section 2. The appropriation hereinbefore provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 4, 1941.

HOUSE BILL NO. 354

An Act to Appropriate Money for the State Department of Public Welfare of the State of Montana to Be Used for Payments to Persons Having Silicosis and for Necessary Expenses in Making Such Payments for the Period Beginning July 1, 1941, and Ending June 30, 1943.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sum be, and the same is hereby appropriated, out of any moneys in the state treasury not otherwise appropriated, for the objects and purposes hereinafter expressed for the period beginning July 1, 1941 and ending June 30, 1942.

THE STATE DEPARTMENT OF PUBLIC WELFARE

For payment to persons having silicosis and for administrative expense, medical examinations and other expense in connection with determination of recipients and making of such payments, forty thousand dollars ..... $ 40,000.00

Section 2. That the following sum be, and the same is hereby appropriated, out of any moneys in the state treasury not otherwise appropriated, for the objects and purposes hereinafter expressed for the period beginning July 1, 1942 and ending June 30, 1943.

THE STATE DEPARTMENT OF PUBLIC WELFARE

For payment to persons having silicosis and for administrative expense, medical examinations and other expense

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in connection with determination of recipients and making of such payments, forty thousand dollars .....$ 40,000.00

Section 3. The appropriations hereinbefore provided are for the purposes hereinbefore set forth under and by virtue of "Part IX of Chapter 82 of the laws of the twenty-fifth legislative assembly of 1937, as amended by the act contained in senate bill No. 5 of the twenty-seventh legislative assembly of 1941."

Section 4. Appropriations hereinbefore provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

Approved March 13, 1941.

HOUSE BILL NO. 365

An Act to Appropriate Money for the Payment of Per Diem to the Officers and Attaches and for Incidental Expenses of the Twenty-seventh Legislative Assembly of the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums, or so much thereof as may be necessary, be and the same are hereby appropriated, out of any money in the state treasury, not otherwise appropriated, for the objects and purposes hereinafter expressed, but for no other.

For the payment of per diem to the officers and attaches of the twenty-seventh legislative assembly of the State of Montana, thirty thousand dollars .....($30,000.00)

For the payment of incidental expenses of the twenty-seventh legislative assembly of the State of Montana, five thousand dollars .....($ 5,000.00)

Section 2. The amounts appropriated herein are to be used for the purposes designated. However, if there is a surplus in any one item it may be transferred to either of the other two items appropriated herein for the legislative assembly; provided the aggregate amount of all appropriations shall be neither increased or decreased.

Section 3. Appropriations hereinabove provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 4. This act shall be in full force and effect from and after its passage and approval.

Approved February 20, 1941.

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HOUSE BILL NO. 366

An Act to Appropriate Money for the State Department of Public Welfare of the State of Montana for Public Assistance, for Administrative Costs in the State Department and in the County Departments of Public Welfare and for All Other Expenditures That the State Department of Public Welfare May Lawfully Incur, for the Period Beginning With July 1, 1941, and Terminating With June 30, 1943.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. There is hereby appropriated for the state department of public welfare of the State of Montana, out of any funds in the state treasury not otherwise appropriated, the sum of two million two hundred six thousand five hundred dollars ($2,206,500.00), for public assistance, for administrative costs in the state department and the county departments of public welfare and for all other expenditures that the state department of public welfare may lawfully incur for the fiscal year beginning with July 1, 1941, and terminating with June 30, 1942.

Section 2. Without hereby limiting the powers of the state board of public welfare, as in this act otherwise provided, the amounts appropriated in the foregoing Section and paid into the public welfare fund of the state treasury may be expended for the following purposes:

(a) For old age assistance, the sum of one million two hundred fifty thousand dollars $1,250,000.00

(b) For aid to needy dependent children, the sum of three hundred thirty thousand dollars ..... $ 330,000.00

(c) For aid to the needy blind, the sum of twenty-five thousand dollars ..... $ 25,000.00

(d) For child welfare services, including all State administrative costs, the sum of sixteen thousand five hundred dollars ..... $ 16,500.00

(e) For grants to counties to supplement county poor funds, to be apportioned by the state department of public welfare in inverse proportion to the average taxable valuation per capita, with county population as shown by the 1940 census exclusive of Indians, the sum of two hundred fifty thousand dollars ..... $ 250,000.00

(f) For general relief and contingencies; the contingencies to include all expenditures of the state department in connection with sponsoring projects, un-

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dertaken in cooperation with the government of the United States, the sum of one hundred fifty thousand dollars ..... $ 150,000.00

(g) For administrative costs of the state department, not otherwise provided for, and including advances of the compensation and expenses of the personnel staff attached to county welfare boards, the sum of one hundred eighty-five thousand dollars ..... $ 185,000.00

Section 3. There is hereby appropriated for the state department of public welfare of the State of Montana out of any funds in the state treasury not otherwise appropriated, the sum of two million two hundred six thousand five hundred dollars ($2,206,500.00), for public assistance, for administrative costs in the state department and in the county departments of public welfare and for all other expenditures that the state department of public welfare may lawfully incur for the fiscal year beginning with July 1, 1942, and terminating with June 30, 1943.

Section 4. Without hereby limiting the powers of the state board of public welfare, as in this act otherwise provided, the amounts appropriated in the foregoing Section and paid into the public welfare fund of the state treasury may be expended for the following purposes:

(a) For old age assistance, the sum of one million two hundred fifty thousand dollars $1,250,000.00

(b) For aid to needy dependent children, the sum of three hundred thirty thousand dollars ..... $ 330,000.00

(c) For aid to the needy blind, the sum of twenty-five thousand dollars ..... $ 25,000.00

(d) For child welfare services, including all state administrative costs, the sum of sixteen thousand five hundred dollars ..... $ 16,500.00

(e) For grants to counties to supplement county poor funds, to be apportioned by the state department of public welfare in inverse proportion to the average taxable valuation per capita, with county population as shown by the 1940 census exclusive of Indians, the sum of two hundred fifty thousand dollars ..... $ 250,000.00

(f) For general relief and contingencies; the contingencies to include all expenditures of the state department in connection with sponsoring projects, undertaken in cooperation with the government of the United States, the sum of one hundred fifty thousand dollars ..... $ 150,000.00

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(g) For administrative costs of the state department, not otherwise provided for and including advances of the compensation and expenses of the personnel staff attached to county welfare boards, the sum of one hundred eighty-five thousand dollars ..... $ 185,000.00

Section 5. In addition to the foregoing appropriations, there is hereby appropriated for both of the two (2) fiscal years, all balances of prior appropriations unexpended on June 30, 1941, and all funds which may be received from counties as reimbursements for the purposes for which they are designated and any other funds which may be received by the state department of public welfare.

Section 6. Any money hereby appropriated for the state department of public welfare and specified for any account or purpose and not needed for such account or purpose may be transferred by the state board of public welfare to any other account or purpose under the authority of the department, except that no transfer from items (a), (b), (c), (d), (e) or (f) shall be transferred to item (g), administrative costs.

Section 7. The appropriation hereby provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

Approved March 13, 1941.

HOUSE BILL NO. 368

An Act to Appropriate Money From the General Fund of the State of Montana for the Operation and Maintenance of Certain Departments, Boards, Commissions and Institutions for the Year Ending June 30, 1941, the Appropriations Made by the Twenty-sixth Legislative Assembly Having Been Found to Be Insufficient.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums or so much thereof as may severally be found necessary, be, and the same is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, for the objects and purposes expressly enumerated herein, for the period ending June 30, 1941.

ATTORNEY GENERAL

FROM THE GENERAL FUND

For operation, three thousand five hundred dollars $3,500.00

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STATE TREASURER
FROM THE GENERAL FUND
For operation, five hundred sixty dollars ..... $ 560.00

ADJUTANT GENERAL
FROM THE GENERAL FUND
For capital, one thousand thirty-nine dollars and forty-five cents $1,039.45

VOCATIONAL SCHOOL FOR GIRLS
FROM THE GENERAL FUND
For salaries and expenses, two thousand three hundred fifty dollars $2,350.00

ORPHANS' HOME
FROM THE GENERAL FUND
For salaries and expenses, three thousand dollars $3,000.00

TEXT BOOK COMMISSION
FROM THE GENERAL FUND
For expenses, two hundred fifty dollars ..... $ 250.00

BOARD OF EDUCATION
FROM THE GENERAL FUND
For expenses, one hundred dollars ..... $ 100.00

STATE SCHOOL OF MINES
FROM THE SCHOOL OF MINES REVOLVING FUND
For salaries and expenses, four thousand one hundred eighty dollars $4,180.00

Section 2. The appropriations enumerated hereinbefore are declared to be made because of the fact that insufficient funds were available for the departments enumerated above to June 30, 1941.

Section 3. The appropriations herein shall be held and deemed legal and valid notwithstanding the provisions of the budget act.

Section 4. This act shall be in full force and effect from and after its passage and approval.

Approved March 17, 1941.

HOUSE BILL NO. 370

An Act to Appropriate Money for Certain State Institutions for Purposes as Designated Herein.

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Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums, or so much thereof as may be found necessary, be, and the same are hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, for the objects and purposes hereinafter set forth.

STATE SCHOOL FOR DEAF AND BLIND
FROM THE GENERAL FUND

For new floor in main building, twenty-one thousand dollars $21,000.00

STATE TRAINING SCHOOL
FROM THE GENERAL FUND

For repairing main buildings formerly used by deaf and blind school, three thousand dollars ..... $ 3,000.00

STATE ORPHANS' HOME
FROM THE GENERAL FUND

For fire escapes for cottages and exit in auditorium, twenty-five hundred dollars ..... $ 2,500.00

STATE VOCATIONAL SCHOOL FOR GIRLS
FROM THE GENERAL FUND

For rewiring first floor of cottage, four hundred dollars.... $ 400.00
For fire escapes for cottages, eight hundred dollars..... $ 800.00

STATE TUBERCULOSIS SANITARIUM
FROM THE GENERAL FUND

For nurses' home, thirty-five thousand dollars $35,000.00
For furniture for nurses' home, twenty-five hundred dollars ..... $ 2,500.00

STATE SOLDIERS' HOME
FROM THE GENERAL FUND

For new laundry building, five thousand dollars ..... $ 5,000.00

Section 2. The appropriations herein provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 17, 1941.

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HOUSE BILL NO. 371

An Act to Appropriate Funds for the Payment of Certain Deficiency Claims Arising for Obligations Incurred for the Payment of Salary for Philip O. Keeney, in Accordance With the Supreme Court Decision in the Case of State ex rel. Philip O. Keeney vs. Montana State Board of Education et al.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sum, or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the university millage fund not otherwise appropriated, for the purpose of paying the following deficiency claim arising out of obligations incurred for the payment of salary for Philip O. Keeney, in accordance with the supreme court decision in the case of State ex rel. Philip O. Keeney vs. Montana State Board of Education et al.

For obligations incurred for the payment of salary for Philip O. Keeney, in accordance with the supreme court decision in the case of State ex rel. Philip O. Keeney vs. Montana State Board of Education et al., six thousand one hundred sixty dollars $6,160.00

More particularly itemized as follows:
Philip O. Keeney $6,160.00

Section 2. Appropriations hereinabove provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 11, 1941.

HOUSE BILL NO. 372

An Act to Appropriate Funds for the Payment of Certain Deficiency Claims Arising for Obligations Incurred by the Montana State Hospital.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sum, or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the state treasury, not otherwise appropriated, for the purpose

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of paying the following deficiency claims arising for obligations incurred by the Montana state hospital.

For obligations incurred by the Montana state hospital, eleven thousand four hundred thirty-two dollars and nine cents $11,432.09

More particularly itemized as follows:

John R. Daily, Inc. ..... $ 2,282.74
Montana Power Company ..... $ 6,910.26
Industrial Accident Board ..... $ 2,239.09

Section 2. Appropriations hereinabove provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 11, 1941.

HOUSE BILL NO. 373

An Act to Appropriate Funds for the Payment of Certain Deficiency Claims Arising for Obligations Incurred by the Hail Insurance Administration.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sum or so much thereof as may be necessary, be, and the same is hereby appropriated out of any moneys in the Hail Insurance Fund, not otherwise appropriated, for the purpose of paying the following deficiency claims arising for obligations incurred by the hail insurance administration.

For obligations incurred by the hail insurance administration, thirty-nine dollars and sixty cents $39.60

More particularly itemized as follows:

Montana Farmer $30.00
C. L. Marshall ..... $ 9.60

Section 2. Appropriations hereinabove provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 11, 1941.

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HOUSE BILL NO. 374

An Act to Appropriate Funds for the Payment of Certain Deficiency Claims Arising for Obligations Incurred by the Adjutant General.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sum, or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the state treasury, not otherwise appropriated, for the purpose of paying the following deficiency claims arising for obligations incurred by the adjutant general.

For obligations incurred by the adjutant general, six hundred five dollars and ninety cents $605.90

More particularly itemized as follows:

Central garage	$ 44.25
Good Samaritan Hospital	$268.80
Doctor C. S. Jones	$271.60
Doctor H. T. Skovholt	$ 21.25

Section 2. Appropriations hereinabove provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 11, 1941.

HOUSE BILL NO. 375

An Act to Appropriate Funds for the Payment of Certain Deficiency Claims Arising for Obligations Incurred by the State School for the Deaf and Blind.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sum or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the state treasury, not otherwise appropriated, for the purpose of paying the following deficiency claims arising for obligations incurred by the state school for the deaf and blind.

For obligations incurred by the state school for the deaf and blind, six hundred eight dollars and thirteen cents $608.13

More particularly itemized as follows:

Montana Power Company	$ 31.28
Montana-Dakota Utilities Company	$576.85

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Section 2. Appropriations hereinabove provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 11, 1941.

HOUSE BILL NO. 376

An Act to Appropriate Funds for the Payment of Certain Deficiency Claims Arising for Obligations Incurred by the State Board of Education.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sum or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the state treasury, not otherwise appropriated, for the purpose of paying the following deficiency claims arising for obligations incurred by the state board of education.

For obligations incurred by the state board of education, one thousand one hundred forty-three dollars, and thirty-six cents $1,143.36

More particularly itemized as follows:

Rev. E. J. Riley	$ 57.00
W. T. Cowan	$ 144.92
Geo. M. Gosman	$ 144.92
Mrs. M. P. Nance	$ 243.24
C. D. Borton	$ 123.75
Howard M. Gullickson	$ 115.26
John P. Fabrick	$ 105.70
W. T. Boone	$ 39.05
A. L. Thompson	$ 165.00

Section 2. Appropriations hereinabove provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 11, 1941.

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HOUSE BILL NO. 377

An Act to Appropriate Funds for the Payment of Certain Deficiency Claims Arising for Obligations Incurred by the State Forester.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sum, or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the state treasury not otherwise appropriated, for the purpose of paying the following deficiency claims arising for obligations incurred by the state forester.

For obligations incurred by the state forester, five thousand seven hundred sixty-five dollars and ten cents $5,765.10

More particularly itemized as follows:

Blackfoot forest protective association	$1,398.19
Regional fiscal agent U. S. forest service	$3,841.24
Northern Montana forest association	$ 525.67

Section 2. Appropriations hereinabove provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 11, 1941.

HOUSE BILL NO. 378

An Act to Appropriate Funds for the Payment of Certain Deficiency Claims Arising for Obligations Incurred by the Presidential Electors.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sum or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the state treasury, not otherwise appropriated, for the purpose of paying the following deficiency claims arising for obligations incurred by the presidential electors.

For obligations incurred by the presidential electors, two hundred eight dollars and fifty-four cents $208.54

More particularly itemized as follows:

Mrs. Jo Colgan Ratford	$ 91.96

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Mrs. Henrietta R. Besette ..... $ 20.08
Carl Gillin ..... $ 71.38
C. N. Perry ..... $ 25.12

Section 2. Appropriations hereinabove provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 8, 1941.

HOUSE BILL NO. 379

An Act to Appropriate Funds for the Payment of Certain Deficiency Claims Arising for Obligations Incurred for Transporting Prisoners.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sum, or so much thereof as may be necessary, be, and the same is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, for the purpose of paying the following deficiency claims arising for obligations incurred for transporting prisoners.

For obligations incurred for transporting prisoners, two hundred thirty-eight dollars and eighty-one cents $238.81

More particularly itemized as follows:

Fred B. Reed, sheriff $156.70
H. P. Lowe, sheriff ..... $ 82.11

Section 2. Appropriations hereinabove provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 8, 1941.

HOUSE BILL NO. 380

An Act to Appropriate Money for the Operation, Maintenance and Other purposes, as Designated Herein for All State Departments, Boards, Bureaus, Commissions and Institutions, for the Period Beginning July 1, 1941 and Ending June 30, 1943.

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Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. For the purpose of this act, unless otherwise required by the context:

(1) The term "salaries" means the compensation paid in consideration of services rendered to all regularly elected or appointed officers or employees whose duties are of a continuous nature. It does not mean wages or compensation paid in consideration of services rendered to temporary employees and for persons appointed or hired for a period of less than one (1) month, the payment of which is hereby made a proper charge from funds appropriated for "operation."

(2) The term "capital", unless otherwise designated or defined, means all articles, fixtures and goods of a permanent nature, but, in no event, shall the term "capital" mean buildings or purchase of lands, unless specifically defined herein. Store supplies shall have the same limitations.

(3) The term "repairs" means the amount to be paid for the repair of any capital asset, including buildings or lands.

(4) The term "replacements" means the amount to be paid for the replacing of any capital asset, as defined in paragraph (2) above, by the purchase of a new one to take its place by reason of the original being worn out or broken.

(5) The term "operation" means all other expenditures which are necessary for the operation of the department, board, bureau, commission or institution to which the appropriation applies, including wages of employees paid to temporary employees for work not considered of a continuous nature.

(6) The term "salaries and expenses" means any expense, including salaries, capital, repairs and replacements and operation, as defined above.

(7) The term "expense" means any expense defined above, with the exception of salaries.

(8) The appropriations contained in this act are intended to provide only necessary expenditures for the year for which the appropriation is provided. All claims for such expenditures must be presented for payment not later than thirty (30) days after the close of the fiscal year. Supplies purchased for a succeeding year are in violation of this act. In cases of necessity, appropriations may be used for either year, provided, however, that any unexpended balances at the end of the second year shall revert to the funds from which they were appropriated.

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(9) When reference is made herein to any Chapter or Section of the laws of Montana, said reference shall include any and all laws amendatory thereto.

Section 2. That the following sums or so much thereof as may be found necessary, be, and the same are hereby appropriated out of any moneys in the state treasury, and from special funds enumerated herein not otherwise appropriated for the objects and purposes hereinafter expressed, for the period beginning July 1, 1941, and ending June 30, 1942.

LIVESTOCK SANITARY BOARD AND VETERINARY SURGEON

FROM THE GENERAL FUND

For salaries and expenses, fifty-five thousand dollars.....$ 55,000.00

FROM THE LIVESTOCK SANITARY BOARD FUND

For the payment of slaughtered stock, as provided by law, and for salaries and expenses of the livestock sanitary board, such sums as may be available are hereby appropriated.

FROM THE LIVESTOCK SANITARY BOARD EMERGENCY FUND

For the payment of emergencies arising out of the operation of the livestock sanitary board as much as may be required when such emergency is declared to exist as provided in Section 2078, Revised Codes of Montana, 1935.

LIVESTOCK COMMISSION

FROM THE GENERAL FUND

For salaries and expenses, twenty-five thousand dollars..$ 25,000.00

FROM THE LIVESTOCK COMMISSION FUND

As much as may be necessary to pay all lawful claims, as provided by law.

FROM THE BOUNTY FUND

For salary of one clerk, fourteen hundred forty dollars....$ 1,440.00

For the payment of bounty claims so much thereof as may be necessary, as provided by law.

FROM THE STOCK ESTRAY FUND

For the payment of estray claims, so much thereof as may be necessary, as provided by law.

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BUREAU OF CIVILIAN REHABILITATION
FROM THE GENERAL FUND

For salary of supervisor, twenty-four hundred dollars....$ 2,400.00
For salary of field agent, eighteen hundred dollars .....$ 1,800.00
For salary of stenographer, fifteen hundred sixty dollars .....$ 1,560.00
For expenses, five thousand dollars .....$ 5,000.00
For maintenance of vocational trainees, thirteen thousand dollars .....$ 13,000.00

In addition thereto there is hereby appropriated all moneys received from the federal government for civilian rehabilitation, provided, however, that no administrative salaries shall be increased by reason of the use of this fund.

BOARD OF ENTOMOLOGY
FROM THE GENERAL FUND

For salaries and expenses, five hundred dollars .....$ 500.00

BOARD OF HEALTH
FROM THE GENERAL FUND

For salaries fixed by law, five thousand dollars .....$ 5,000.00
For salaries not fixed by law, thirty thousand dollars.....$ 30,000.00
For capital, repairs and replacements, three hundred dollars .....$ 300.00
For operation, fifteen hundred dollars .....$ 1,500.00

CHILD WELFARE DIVISION
FROM THE GENERAL FUND

For salaries and expenses, nine thousand dollars .....$ 9,000.00

INDUSTRIAL HYGIENE DIVISION
FROM THE GENERAL FUND

For salaries and expenses, eight thousand dollars .....$ 8,000.00

FOR CRIPPLED CHILDREN
FROM THE GENERAL FUND

For salaries and expenses, forty thousand dollars .....$ 40,000.00

FOR GENERAL CONTINGENCIES
FROM THE GENERAL FUND

For the use of the board of health and child welfare division in lieu of former fees and earnings as salaries and expenses, twenty thousand dollars .....$ 20,000.00

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STATE EXAMINER
FROM THE GENERAL FUND

For salaries fixed by law, twenty-one thousand nine hundred dollars ..... $ 21,900.00

For salaries not fixed by law, fourteen thousand one hundred dollars ..... $ 14,100.00

For capital, repairs and replacements, four hundred dollars ..... $ 400.00

For operation, fifteen thousand dollars ..... $ 15,000.00

PERMANENT REVOLVING FUND
FROM THE GENERAL FUND

There is further appropriated from the general fund, the sum of twenty-five hundred dollars ..... $ 2,500.00 for the purpose of creating a permanent revolving fund to be known as the state examiner's revolving fund. The salaries and expenses of all examinations of the state liquor control board, the public welfare commission, the Montana fish and game department, and of all special examinations of any State office, department or agency shall be paid from this revolving fund, and such State office, department or agency shall reimburse said fund in an amount equal to the entire expense incurred in making such examination or examinations, so that this fund may become a permanent revolving fund for the purpose of meeting the expenses incurred in making special or unusual examinations as above set forth.

ADJUTANT GENERAL
FROM THE GENERAL FUND

For salaries fixed by law, three thousand dollars ..... $ 3,000.00

For salaries not fixed by law, seven thousand dollars ..... $ 7,000.00

For capital, repairs and replacements, two hundred seventy-five dollars ..... $ 275.00

For rental of drill halls and store rooms, twelve thousand eight hundred dollars ..... $ 12,800.00

For operation, nine thousand seven hundred forty-five dollars ..... $ 9,745.00

BOARD OF HAIL INSURANCE
FROM THE HAIL INSURANCE ADMINISTRATIVE FUND

For salaries fixed by law, three thousand dollars ..... $ 3,000.00

For salaries not fixed by law, and expenses, ten thousand six hundred ninety-nine dollars ..... $ 10,699.00

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FROM THE HAIL INSURANCE FUND

So much thereof as may be necessary to pay all losses and lawful claims as provided by law.

INDUSTRIAL ACCIDENT BOARD

FROM THE GENERAL FUND

For salaries fixed by law, five thousand dollars .....$ 5,000.00

For salaries not fixed by law, and expenses, thirty-five thousand four hundred dollars .....$ 35,400.00

FROM THE INDUSTRIAL ADMINISTRATIVE FUND

In addition to the above appropriation there is hereby appropriated all fees and collections accruing to the industrial administrative fund for salaries and expenses as provided by law.

FROM THE INDUSTRIAL ACCIDENT FUND

So much thereof as may be necessary to pay claims which are lawfully chargeable to this fund, as provided by law.

FROM THE VOLUNTEER FIREMEN'S COMPENSATION FUND

For administrative expenses as much as may be necessary, as provided by law. For disability claims as much as may be necessary as provided by law.

BOARD OF EXAMINERS FOR COAL MINE INSPECTORS

FROM THE GENERAL FUND

For salaries and expenses, three hundred fifty dollars....$ 350.00

BOARD OF EDUCATION

FROM THE GENERAL FUND

For expenses of the state board of education, one thousand dollars .....$ 1,000.00

FROM THE UNIVERSITY MILLAGE FUND

For expenses of the state board of education, one thousand dollars .....$ 1,000.00

FROM THE COMMON SCHOOL EQUALIZATION FUND

For salary of one clerk, eighteen hundred dollars .....$ 1,800.00

VOCATIONAL EDUCATION

FROM THE GENERAL FUND

For salaries and expenses in connection with vocational education, twenty thousand dollars .....$ 20,000.00

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In addition to the foregoing amount, all income from federal funds known as the vocational U. S. aid fund, George-Dean fund, or any other federal funds that may be available, are hereby appropriated. No reimbursement shall be made to any of the units of the university of Montana from the above general fund appropriation.

STATE ENTOMOLOGIST

FROM THE GENERAL FUND

For salaries and expenses, six thousand dollars ..... $ 6,000.00

APICULTURE

For salaries and expenses, twenty-five hundred dollars.... $ 2,500.00

STATE LAW LIBRARY

FROM THE GENERAL FUND

For salaries fixed by law, forty-three hundred dollars.... $ 4,300.00

For capital, repairs and replacements, four hundred dollars ..... $ 400.00

For operation, four hundred dollars ..... $ 400.00

For legislative reference bureau, seventy-five dollars..... $ 75.00

FROM THE LAW LIBRARY BOOK FUND

So much thereof as may be necessary for the purchase of law books, as provided by law.

HISTORICAL SOCIETY OF MONTANA

FROM THE GENERAL FUND

For salaries, forty-two hundred dollars ..... $ 4,200.00

For capital, repairs and replacements, sixteen hundred dollars ..... $ 1,600.00

For operation, seven hundred dollars ..... $ 700.00

STATE BOARD OF EXAMINERS

FROM THE GENERAL FUND

For salaries fixed by law, thirty-six hundred dollars ... $ 3,600.00

For salaries not fixed by law, sixty-six hundred seventy-five dollars ..... $ 6,675.00

For capital, repairs and replacements, four hundred dollars ..... $ 400.00

For operation, seventeen hundred sixty dollars ..... $ 1,760.00

STATE ACCOUNTANT AND BUDGET OFFICE

FROM THE GENERAL FUND

For salaries fixed by law, four thousand dollars ..... $ 4,000.00

For salaries not fixed by law, seven thousand dollars..... $ 7,000.00

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For capital, repairs and replacements, three hundred dollars ..... $ 300.00

For operation, thirteen hundred fifty dollars ..... $ 1,350.00

STATE ENGINEER

FROM THE GENERAL FUND

For salaries fixed by law, three thousand dollars ..... $ 3,000.00

For salaries not fixed by law, twenty-four hundred dollars ..... $ 2,400.00

For capital, repairs and replacements and operation, eight hundred forty-seven dollars ..... $ 847.00

FROM THE CAREY LAND ACT FUND

For salaries and expenses, four hundred seventy-seven dollars ..... $ 477.00

STREAM GAUGING

FROM THE GENERAL FUND

For salaries and expenses, nine thousand dollars ..... $ 9,000.00

For installation of stream gauging stations, fifty-six hundred seventy-five dollars ..... $ 5,675.00

SURVEY OF INTERSTATE WATERS

FROM THE GENERAL FUND

For salaries and expenses, five thousand dollars ..... $ 5,000.00

STATE HIGHWAY COMMISSION

FROM THE HIGHWAY FUND

There is hereby appropriated out of the state highway fund all revenue for expenditures by the state highway commission as provided by law; provided that the total cost to the State for administration and engineering shall not exceed for any fiscal year eight per cent (8%) of the total of state and federal aid and other available funds expended under the supervision of the state highway commission as provided by Initiative Measure No. 31 and acts supplementary or amendatory thereto; provided further, that the state treasurer is hereby required to transfer from the state highway fund to the state highway trust fund from time to time upon the request of the state highway commission, subject to the approval of the state board of examiners such parts of the money hereby appropriated as is necessary to match federal aid for construction and for reconstruction purposes, and when so transferred, said moneys may be expended and drawn from the said state highway trust fund in the same manner as other moneys in said funds are expended.

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In addition thereto, there is hereby appropriated all federal funds that may be made available for highway purposes.

COMMISSIONER OF STATE LANDS AND INVESTMENTS
FROM THE GENERAL FUND

For salaries fixed by law, six thousand dollars ..... $ 6,000.00
For salaries not fixed by law, sixteen thousand dollars.... $ 16,000.00
For capital, repairs and replacements, three hundred seventy-five dollars ..... $ 375.00
For operation, four thousand dollars ..... $ 4,000.00

CHIEF FIELD AGENT
FROM THE GENERAL FUND

For salaries fixed by law, thirty-two hundred fifty dollars ..... $ 3,250.00
For salaries not fixed by law, six thousand dollars ..... $ 6,000.00
For expenses, sixty-six hundred dollars ..... $ 6,600.00
For additional field work, five thousand dollars ..... $ 5,000.00

FISH AND GAME COMMISSION
FROM THE FISH AND GAME FUND

As much as may be necessary to pay all lawful claims as provided by law.

CAPITOL BUILDING
FROM THE GENERAL FUND

For salaries fixed by law, twenty-five thousand four hundred ninety dollars ..... $ 25,490.00
For salaries of postmaster and assistant, three thousand dollars ..... $ 3,000.00
For salary of substitute for vacations, one hundred twenty-five dollars ..... $ 125.00
For capital, repairs and replacements, ten thousand dollars ..... $ 10,000.00
For operation, twelve thousand five hundred dollars..... $ 12,500.00
For expense of delivering mail, one hundred eighty dollars ..... $ 180.00

G. A. R. CUSTODIAN
FROM THE GENERAL FUND

For salary of custodian, nine hundred dollars ..... $ 900.00

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UNEMPLOYMENT COMPENSATION COMMISSION
EMPLOYMENT SERVICE DIVISION
FROM THE GENERAL FUND

For administrative salaries and expenses, thirteen thousand twenty-one dollars and twenty-six cents .....$ 13,021.26, of which amount not to exceed two thousand dollars ($2,000.00) may be used and expended by the commission in payment of necessary court costs and expenses and for services of any special counsel employed by the commission, and the amount remaining after payment of such court costs and expenses and special counsel, shall be used by the commission for the purpose of meeting the required allotment of funds necessary in order that the State may receive grants of federal moneys under the Wagner-Peyser act and similar federal acts.

In addition thereto there is hereby appropriated for the use of the commission all moneys received from all federal agencies and designed for furtherance of the unemployment compensation and employment service program, to be used for administrative purposes by the commission.

And there is further appropriated for the use of the commission all sums appropriated or provided by sub-divisions of the State of Montana, including both counties and municipalities, together with a reasonable appraisal of the value of quarters furnished rental free for the use of the commission, by such sub-divisions of this State; the commission shall use the same, or so much thereof as may be necessary, for the purpose of meeting demands for funds from the commission or State of Montana, which may be hereafter made by any and all federal agencies or departments, for the purpose of matching federal funds or meeting other requirements of federal laws or regulations or requirements of federal agencies or departments, in order to obtain grants of administrative funds for the use of the commission, or to close accounts for federal funds heretofore received by the commission, and to replace funds found returnable and replaceable by the social security board.

FROM THE UNEMPLOYMENT COMPENSATION
ADMINISTRATION FUND

All federal funds received for this purpose.

FROM THE UNEMPLOYMENT BENEFIT FUND

So much thereof as may be necessary to comply with the provisions of the law.

STATE HIGHWAY PATROL
FROM THE GENERAL FUND

For salaries and expenses, two hundred sixty thousand dollars $260,000.00

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STATE LIQUOR CONTROL BOARD
FROM THE LIQUOR BOARD FUND

So much thereof as may be necessary to carry out the provisions of Sections 2815.153 and 2815.154, Revised Codes of Montana, 1935.

BEER DIVISION
FROM THE MONTANA BEER ACT FUND

So much thereof as may be necessary not exceeding ten (10%) per cent of all revenue to pay all lawful claims as provided by law.

LIQUOR LICENSE DIVISION
FROM THE LIQUOR LICENSE FUND

So much thereof as may be necessary not exceeding 10% of all revenue, to pay all lawful claims as provided by law.

BOARD OF EQUALIZATION
FROM THE GENERAL FUND

For salaries fixed by law, fifteen thousand dollars.....$ 15,000.00

For salaries not fixed by law and expenses, eighty-nine thousand one hundred fifty-four dollars .....$ 89,154.00

FROM THE COMMON SCHOOL EQUALIZATION FUND

For salaries and expenses, thirteen thousand six hundred twenty-five dollars .....$ 13,625.00

FROM THE HIGHWAY FUND

For salaries and expenses, twenty-seven thousand five hundred seventy dollars .....$ 27,570.00

FROM THE GASOLINE DRAWBACK FUND

For gasoline tax drawbacks, including refunds to the federal government, as much thereof as may be necessary to comply with the provisions of the law.

DEPARTMENT OF AGRICULTURE, LABOR AND INDUSTRY
ADMINISTRATION
FROM THE GENERAL FUND

For salaries fixed by law, five thousand dollars .....$ 5,000.00

For salaries not fixed by law, four thousand dollars.....$ 4,000.00

For capital, repairs and replacements, two hundred fifty dollars .....$ 250.00

For operation, seventeen hundred fifty dollars .....$ 1,750.00

DAIRY DIVISION
FROM THE GENERAL FUND

For salaries and expenses, twenty-five thousand dollars..$ 25,000.00

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GRAIN GRADING AND SCALE TESTING DIVISION
FROM THE GENERAL FUND

For salaries and expenses, fifty thousand dollars ..... $ 50,000.00

HORTICULTURE DIVISION
FROM THE GENERAL FUND

For salaries and expenses, sixty thousand dollars ..... $ 60,000.00

FROM THE HIGHWAY FUND

For salaries and expenses, six thousand dollars ..... $ 6,000.00

FROM THE LIQUOR BOARD FUND

For salaries and expenses, twenty-five hundred dollars.... $ 2,500.00

DIVISION OF LABOR AND PUBLICITY
FROM THE GENERAL FUND

For salaries and expenses of labor commissioner, five thousand dollars ..... $ 5,000.00

STATE FAIR GROUNDS
FROM THE GENERAL FUND

For salaries and expenses, nine hundred dollars ..... $ 900.00

REAL ESTATE DIVISION
FROM THE GENERAL FUND

For salaries and expenses, twenty-five hundred dollars.... $ 2,500.00

FERTILIZER DIVISION
FROM THE GENERAL FUND

For salaries and expenses, three hundred fifty dollars ... $ 350.00

PURCHASING AGENT
FROM THE GENERAL FUND

For salaries fixed by law, five thousand dollars ..... $ 5,000.00

For salaries not fixed by law and expenses, forty-eight hundred seventy-five dollars ..... $ 4,875.00

FROM THE HIGHWAY FUND

For salaries not fixed by law and expenses, thirteen thousand five hundred dollars ..... $ 13,500.00

FROM THE UNIVERSITY MILLAGE FUND

For salaries not fixed by law and expenses, five thousand dollars ..... $ 5,000.00

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FROM COLLECTIONS COMING INTO THE FISH AND GAME FUND

excluding license fees paid by hunters, for salaries and expenses, one thousand dollars ..... $ 1,000.00

STATE FORESTER
ADMINISTRATION
FROM THE GENERAL FUND

For salaries fixed by law, three thousand dollars ..... $ 3,000.00

For salaries not fixed by law, forty-five hundred fifty dollars ..... $ 4,550.00

For capital, repairs and replacements, four hundred dollars ..... $ 400.00

For operation, six hundred seventy-five dollars ..... $ 675.00

For exchange of lands, four hundred fifty dollars ..... $ 450.00

PROTECTION OF STATE LANDS
FROM THE GENERAL FUND

For salaries and expenses, thirteen thousand four hundred fifty dollars ..... $ 13,450.00

TIMBER SALES
FROM THE GENERAL FUND

For salaries and expenses, seven thousand dollars ..... $ 7,000.00

In addition to appropriations, there is hereby appropriated all moneys received as trust funds for the purposes for which they were provided; provided, however, no administrative salaries shall be increased by reason of use of the trust fund.

MOTOR VEHICLE DEPARTMENT
FROM THE MOTOR VEHICLE RECORDING FUND

For salaries and expenses, so much thereof as may be necessary to pay all lawful claims as provided in Section 1758.4, Revised Codes of Montana, 1935. The money available in this fund shall be used first before using the funds for the motor vehicle fund.

FROM THE MOTOR VEHICLE FUND

So much thereof as may be necessary to pay all lawful claims as provided in Section 1760, Revised Codes of Montana, 1935.

ATHLETIC COMMISSION
FROM THE VETERANS' MEMORIAL FUND

So much thereof as may be necessary to pay all lawful claims as provided by law.

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SALARIES AND EXPENSES OF DISTRICT JUDGES
FROM THE GENERAL FUND

For salaries of district judges, one hundred ten thousand four hundred dollars $110,400.00

For expenses, twelve thousand six hundred dollars ..... $ 12,600.00

SALARIES OF COUNTY ATTORNEYS
FROM THE GENERAL FUND

For salaries, fifty thousand dollars ..... $ 50,000.00

TRANSPORTATION OF PRISONERS
FROM THE GENERAL FUND

For the purpose of paying the expenses of transporting prisoners, nine thousand dollars ..... $ 9,000.00

MONTANA TRADE COMMISSION
FROM THE GENERAL FUND

For salaries and expenses, five thousand dollars ..... $ 5,000.00

REGULATORY BOARDS

All regulatory boards for which the law provides for a collection of fees and such fees are deposited with the state treasurer, as trust funds, are hereby appropriated for the use of each of the said boards, a sum equal to the amount of their collections, except wherein the law provides for deductions.

The following boards are enumerated as regulatory boards now having their funds on deposit with the state treasurer:

STATE EXAMINING BOARD OF ABSTRACTORS
BOARD OF ARCHITECTURAL EXAMINERS
BOARD OF CHIROPRACTIC EXAMINERS
STATE GRAZING COMMISSION
BOARD OF MEDICAL EXAMINERS
STATE EXAMINING BOARD FOR NURSES
OIL CONSERVATION BOARD
BOARD OF EXAMINERS IN PHOTOGRAPHY

MILK CONTROL BOARD
FROM THE GENERAL FUND

For salaries and expenses, nine thousand dollars ..... $ 9,000.00

MONTANA COMMISSION FOR BLIND
FROM THE GENERAL FUND

Salary of supervisor, twelve hundred dollars ..... $ 1,200.00

For expenses, one thousand dollars ..... $ 1,000.00

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VETERANS' WELFARE COMMISSION

FROM THE GENERAL FUND

For salaries and expenses, nine thousand dollars .... $ 9,000.00

Section 3. That the following sums, or so much thereof as may be found necessary, be, and the same are hereby appropriated out of any moneys in the state treasury, and from special funds enumerated herein not otherwise appropriated for the objects and purposes hereinafter expressed, for the period beginning July 1, 1942, and ending June 30, 1943.

LIVESTOCK SANITARY BOARD AND VETERINARY SURGEON

FROM THE GENERAL FUND

For salaries and expenses, fifty-five thousand dollars ..$ 55,000.00

FROM THE LIVESTOCK SANITARY BOARD FUND

For the payment of slaughtered stock, as provided by law, and for salaries and expenses of the livestock sanitary board, such sums as may be available are hereby appropriated.

FROM THE LIVESTOCK SANITARY BOARD EMERGENCY FUND

For the payment of emergencies arising out of the operation of the livestock sanitary board as much as may be required when such emergency is declared to exist as provided in Section 2078, Revised Codes of Montana, 1935.

LIVESTOCK COMMISSION

FROM THE GENERAL FUND

For salaries and expenses, twenty-five thousand dollars..$ 25,000.00

FROM THE LIVESTOCK COMMISSION FUND

As much as may be necessary to pay all lawful claims, as provided by law.

FROM THE BOUNTY FUND

For salary of one (1) clerk, fourteen hundred forty dollars .....$ 1,440.00

For the payment of bounty claims so much thereof as may be necessary, as provided by law.

FROM THE STOCK ESTRAY FUND

For the payment of estray claims, so much thereof as may be necessary, as provided by law.

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BUREAU OF CIVILIAN REHABILITATION
FROM THE GENERAL FUND

For salaries of supervisor, twenty-four hundred dollars..$ 2,400.00
For salary of field agent, eighteen hundred dollars.....$ 1,800.00
For salary of stenographer, fifteen hundred sixty dollars .....$ 1,560.00
For expenses, five thousand dollars .....$ 5,000.00
For maintenance of vocational trainees, thirteen thousand dollars .....$ 13,000.00

In addition thereto there is hereby appropriated all moneys received from the federal government for civilian rehabilitation, provided, however, that no administrative salaries shall be increased by reason of the use of this fund.

BOARD OF ENTOMOLOGY
FROM THE GENERAL FUND

For salaries and expenses, five hundred dollars .....$ 500.00

BOARD OF HEALTH
FROM THE GENERAL FUND

For salaries fixed by law, five thousand dollars.....$ 5,000.00
For salaries not fixed by law, thirty thousand dollars.....$ 30,000.00
For capital, repairs and replacements, three hundred dollars .....$ 300.00
For operation, fifteen hundred dollars .....$ 1,500.00

CHILD WELFARE DIVISION
FROM THE GENERAL FUND

For salaries and expenses, nine thousand dollars .....$ 9,000.00

INDUSTRIAL HYGIENE DIVISION
FROM THE GENERAL FUND

For salaries and expenses, eight thousand dollars .....$ 8,000.00

FOR CRIPPLED CHILDREN
FROM THE GENERAL FUND

For salaries and expenses, forty thousand dollars .....$ 40,000.00

FOR GENERAL CONTINGENCIES
FROM THE GENERAL FUND

For the use of the board of health and child welfare division in lieu of former fees and earnings as salaries and expenses, twenty thousand dollars .....$ 20,000.00

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STATE EXAMINER

FROM THE GENERAL FUND

For salaries fixed by law, twenty-one thousand nine hundred dollars ..... $ 21,900.00

For salaries not fixed by law, fourteen thousand one hundred dollars ..... $ 14,100.00

For capital, repairs and replacements, four hundred dollars ..... $ 400.00

For operation, fifteen thousand dollars ..... $ 15,000.00

ADJUTANT GENERAL

FROM THE GENERAL FUND

For salaries fixed by law, three thousand dollars ..... $ 3,000.00

For salaries not fixed by law, seven thousand dollars..... $ 7,000.00

For capital, repairs and replacements, two hundred seventy-five dollars ..... $ 275.00

For rental of drill halls and store rooms, twenty-two thousand eight hundred dollars ..... $ 22,800.00

For operation, ninety-seven hundred forty-five dollars.... $ 9,745.00

BOARD OF HAIL INSURANCE

FROM THE HAIL INSURANCE ADMINISTRATIVE FUND

For salaries fixed by law, three thousand dollars ..... $ 3,000.00

For salaries not fixed by law and expenses, ten thousand two hundred ninety-nine dollars ..... $ 10,299.00

FROM THE HAIL INSURANCE FUND

So much thereof as may be necessary to pay all losses and lawful claims as provided by law.

INDUSTRIAL ACCIDENT BOARD

FROM THE GENERAL FUND

For salaries fixed by law, five thousand dollars ..... $ 5,000.00

For salaries not fixed by law and expenses, thirty-five thousand four hundred dollars ..... $ 35,400.00

FROM THE INDUSTRIAL ADMINISTRATIVE FUND

In addition to the above appropriation there is hereby appropriated all fees and collections accruing to the industrial administrative fund for salaries and expenses as provided by law.

FROM THE INDUSTRIAL ACCIDENT FUND

So much thereof as may be necessary to pay claims which are lawfully chargeable to this fund, as provided by law.

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FROM THE VOLUNTEER FIREMEN'S COMPENSATION FUND

For administrative expenses as much as may be necessary as provided by law. For disability claims as much as may be necessary as provided by law.

BOARD OF EXAMINERS FOR COAL MINE INSPECTORS
FROM THE GENERAL FUND

For salaries and expenses, three hundred fifty dollars.....$ 350.00

BOARD OF EDUCATION
FROM THE GENERAL FUND

For expenses of the state board of education one thousand dollars .....$ 1,000.00

FROM THE UNIVERSITY MILLAGE FUND

For expenses of the state board of education, one thousand dollars .....$ 1,000.00

FROM THE COMMON SCHOOL EQUALIZATION FUND

For salary of one (1) clerk, eighteen hundred dollars....$ 1,800.00

VOCATIONAL EDUCATION
FROM THE GENERAL FUND

For salaries and expenses in connection with vocational education, twenty thousand dollars .....$ 20,000.00

In addition to the foregoing amount, all income from federal funds known as the vocational U. S. aid fund, George-Dean fund, or any other federal funds, that may be available, are hereby appropriated. No reimbursement shall be made to any of the units of the university of Montana from the above general fund appropriation.

STATE ENTOMOLOGIST
FROM THE GENERAL FUND

For salaries and expenses, six thousand dollars .....$ 6,000.00

APICULTURE

For salaries and expenses, twenty-five hundred dollars $ 2,500.00

STATE LAW LIBRARY
FROM THE GENERAL FUND

For salaries fixed by law, forty-three hundred dollars....$ 4,300.00

For capital, repairs and replacements, two hundred dollars .....$ 200.00

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For operation, four hundred dollars ..... $ 400.00
For legislative reference bureau, seventy-five dollars..... $ 75.00

FROM THE LAW LIBRARY BOOK FUND

So much thereof as may be necessary for the purchase of law books, as provided by law.

HISTORICAL SOCIETY OF MONTANA
FROM THE GENERAL FUND

For salaries, forty-two hundred dollars ..... $ 4,200.00
For capital, repairs and replacements, sixteen hundred dollars ..... $ 1,600.00
For operation, seven hundred dollars ..... $ 700.00

STATE BOARD OF EXAMINERS
FROM THE GENERAL FUND

For salaries fixed by law, thirty-six hundred dollars..... $ 3,600.00
For salaries not fixed by law, sixty-six hundred seventy-five dollars ..... $ 6,675.00
For capital, repairs and replacements, four hundred dollars ..... $ 400.00
For operation, seventeen hundred seventy-five dollars.... $ 1,775.00

STATE ACCOUNTANT AND BUDGET OFFICE
FROM THE GENERAL FUND

For salaries fixed by law, four thousand dollars ..... $ 4,000.00
For salaries not fixed by law, seven thousand dollars..... $ 7,000.00
For capital, repairs and replacements, two hundred dollars ..... $ 200.00
For operation, thirty-five hundred dollars ..... $ 3,500.00

STATE ENGINEER
FROM THE GENERAL FUND

For salaries fixed by law, three thousand dollars ..... $ 3,000.00
For salaries not fixed by law, twenty-four hundred dollars ..... $ 2,400.00
For capital, repairs and replacements, eight hundred forty-seven dollars ..... $ 847.00

FROM THE CAREY LAND ACT FUND

For salaries and expenses, four hundred seventy-seven dollars ..... $ 477.00

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STREAM GAUGING
FROM THE GENERAL FUND

For salaries and expenses, thirteen thousand three hundred dollars ..... $ 13,300.00

SURVEY OF INTERSTATE WATERS
FROM THE GENERAL FUND

For salaries and expenses, five thousand dollars ..... $ 5,000.00

STATE HIGHWAY COMMISSION
FROM THE HIGHWAY FUND

There is hereby appropriated out of the state highway fund all revenue for expenditures by the state highway commission as provided by law; provided that the total cost to the State for administration and engineering shall not exceed for any fiscal year eight per cent (8%) of the total of state and federal aid and other available funds expended under the supervision of the state highway commission as provided by Initiative Measure No. 31 and acts supplementary or amendatory thereto; provided further, that the state treasurer is hereby required to transfer from the state highway fund to the state highway trust fund from time to time upon the request of the state highway commission, subject to approval of the state board of examiners such parts of the money hereby appropriated as is necessary to match federal aid for construction and for reconstruction purposes, and when so transferred, said moneys may be expended and drawn from the said state highway trust fund in the same manner as other moneys in said funds are expended.

In addition thereto, there is hereby appropriated all federal funds that may be made available for highway purposes.

COMMISSIONER OF STATE LANDS AND INVESTMENTS
FROM THE GENERAL FUND

For salaries fixed by law, six thousand dollars ..... $ 6,000.00
For salaries not fixed by law, sixteen thousand dollars..... $ 16,000.00
For capital, repairs and replacements, three hundred seventy-five dollars ..... $ 375.00
For operation, four thousand dollars ..... $ 4,000.00

CHIEF FIELD AGENT
FROM THE GENERAL FUND

For salaries fixed by law, thirty-two hundred fifty dollars ..... $ 3,250.00
For salaries not fixed by law, six thousand dollars ..... $ 6,000.00

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For expenses, sixty-six hundred dollars ..... $ 6,600.00
For additional field work, five thousand dollars ..... $ 5,000.00

FISH AND GAME COMMISSION
FROM THE FISH AND GAME FUND

As much as may be necessary to pay all lawful claims as provided by law.

CAPITOL BUILDING
FROM THE GENERAL FUND

For salaries fixed by law, twenty-five thousand four hundred ninety dollars ..... $ 25,490.00
For salaries of postmaster and assistant, three thousand dollars ..... $ 3,000.00
For salary of substitute for vacations, one hundred twenty-five dollars ..... $ 125.00
For capital, repairs and replacements, five thousand dollars ..... $ 5,000.00
For operation, twelve thousand five hundred dollars ..... $ 12,500.00
For expense of delivering mail, one hundred eighty dollars ..... $ 180.00

G. A. R. CUSTODIAN
FROM THE GENERAL FUND

For salary of custodian, nine hundred dollars ..... $ 900.00

UNEMPLOYMENT COMPENSATION COMMISSION
EMPLOYMENT SERVICE DIVISION
FROM THE GENERAL FUND

For administrative salaries and expenses, thirteen thousand twenty-one dollars and twenty-six cents ..... $ 13,021.26 to be used by the commission for the purpose of meeting the required allotment of funds necessary in order that the State may receive grants of federal moneys under the Wagner-Peyser act and similar federal acts.

In addition thereto there is hereby appropriated for the use of the commission all moneys received from all federal agencies and designed for the furtherance of the unemployment compensation and employment service program to be used for administrative purposes by the commission.

And there is further appropriated for the use of the commission all sums appropriated or provided by subdivisions of the State of Montana, including both counties and municipalities, together with

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a reasonable appraisal of the value of the quarters furnished rental free for the use of the commission, by such subdivisions of the State, the commission shall use the same, or so much thereof as may be necessary, for the purpose of meeting demands for funds from the commission or State of Montana, which may be hereafter made by any and all federal agencies or departments, for the purpose of matching federal funds or meeting other requirements of federal law or regulations or requirements of federal agencies or departments, in order to obtain grants of administrative funds for the use of the commission, or to close accounts for federal funds heretofore received by the commission and to replace funds found returnable or replaceable by the social security board.

FROM THE UNEMPLOYMENT COMPENSATION ADMINISTRATIVE FUND

All federal funds received for this purpose.

FROM THE UNEMPLOYMENT BENEFIT FUND

So much thereof as may be necessary to comply with the provisions of the law.

STATE HIGHWAY PATROL
FROM THE GENERAL FUND

For salaries and expenses, two hundred sixty thousand dollars $260,000.00

STATE LIQUOR CONTROL BOARD
FROM THE LIQUOR BOARD FUND

So much thereof as may be necessary to carry out the provisions of Sections 2815.153 and 2815.154, Revised Codes of Montana, 1935.

BEER DIVISION
FROM THE MONTANA BEER ACT FUND

So much thereof as may be necessary not exceeding ten per cent (10%) of all revenue, to pay all lawful claims as provided by law.

LIQUOR LICENSE DIVISION
FROM THE LIQUOR LICENSE FUND

So much thereof as may be necessary not exceeding ten per cent (10%) of all revenue, to pay all lawful claims as provided by law.

BOARD OF EQUALIZATION
FROM THE GENERAL FUND

For salaries fixed by law, fifteen thousand dollars.. $ 15,000.00

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For salaries not fixed by law and expenses, eighty-seven thousand two hundred four dollars ..... $ 87,204.00

FROM THE COMMON SCHOOL EQUALIZATION FUND

For salaries and expenses, twelve thousand eight hundred twenty-five dollars ..... $ 12,825.00

FROM THE HIGHWAY FUND

For salaries and expenses, twenty-eight thousand one hundred ten dollars ..... $ 28,110.00

FROM THE GASOLINE DRAWBACK FUND

For gasoline tax drawbacks, including refunds to the federal government, as much thereof as may be necessary to comply with the provisions of the law.

DEPARTMENT OF AGRICULTURE, LABOR AND INDUSTRY ADMINISTRATION

FROM THE GENERAL FUND

For salaries fixed by law, five thousand dollars ..... $ 5,000.00

For salaries not fixed by law, four thousand dollars..... $ 4,000.00

For capital, repairs and replacements, two hundred fifty dollars ..... $ 250.00

For operation, seventeen hundred fifty dollars ..... $ 1,750.00

DAIRY DIVISION

FROM THE GENERAL FUND

For salaries and expenses, twenty-five thousand dollars.. $ 25,000.00

GRAIN GRADING AND SCALE TESTING DIVISION

FROM THE GENERAL FUND

For salaries and expenses, fifty thousand dollars ..... $ 50,000.00

HORTICULTURE DIVISION

FROM THE GENERAL FUND

For salaries and expenses, sixty thousand dollars ..... $ 60,000.00

FROM THE HIGHWAY FUND

For salaries and expenses, six thousand dollars ..... $ 6,000.00

FROM THE LIQUOR BOARD FUND

For salaries and expenses, twenty-five hundred dollars.... $ 2,500.00

DIVISION OF LABOR AND PUBLICITY

FROM THE GENERAL FUND

For salary and expenses of labor commissioner, five thousand dollars ..... $ 5,000.00

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STATE FAIR GROUNDS
FROM THE GENERAL FUND

For salaries and expenses, nine hundred dollars .... $ 900.00

REAL ESTATE DIVISION
FROM THE GENERAL FUND

For salaries and expenses, twenty-five hundred dollars $ 2,500.00

FERTILIZER DIVISION
FROM THE GENERAL FUND

For salaries and expenses, three hundred fifty dollars $ 350.00

PURCHASING AGENT
FROM THE GENERAL FUND

For salaries fixed by law, five thousand dollars .....$ 5,000.00

For salaries not fixed by law and expenses, forty-eight hundred seventy-five dollars .....$ 4,875.00

FROM THE HIGHWAY FUND

For salaries not fixed by law and expenses, thirteen thousand five hundred dollars .....$ 13,500.00

FROM THE UNIVERSITY MILLAGE FUND

For salaries not fixed by law and expenses, five thousand dollars .....$ 5,000.00

From collections coming into the fish and game fund, excluding license fees paid by hunters, for salaries and expenses, one thousand dollars .....$ 1,000.00

STATE FORESTER
ADMINISTRATION
FROM THE GENERAL FUND

For salaries fixed by law, three thousand dollars .... $ 3,000.00

For salaries not fixed by law, forty-five hundred fifty dollars .... $ 4,550.00

For capital, repairs and replacements, four hundred dollars .... $ 400.00

For operation, six hundred seventy-five dollars .... $ 675.00

For exchange of lands, four hundred fifty dollars .... $ 450.00

PROTECTION OF STATE LANDS
FROM THE GENERAL FUND

For salaries and expenses, thirteen thousand four hundred fifty dollars .... $ 13,450.00

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TIMBER SALES

FROM THE GENERAL FUND

For salaries and expenses, seven thousand dollars ..... $ 7,000.00

In addition to appropriations, there is hereby appropriated all moneys received as trust funds for the purposes for which they were provided; provided, however, no administrative salaries shall be increased by reason of the use of the trust fund.

MOTOR VEHICLE DEPARTMENT

FROM THE MOTOR VEHICLE RECORDING FUND

For salaries and expenses, so much thereof as may be necessary to pay all lawful claims as provided in Section 1758.4, Revised Codes of Montana, 1935. The money available in this fund shall be used first before using the funds for the motor vehicle fund.

FROM THE MOTOR VEHICLE FUND

So much thereof as may be necessary to pay all lawful claims as provided in Section 1760, Revised Codes of Montana, 1935.

ATHLETIC COMMISSION

FROM THE VETERANS' MEMORIAL FUND

So much thereof as may be necessary to pay all lawful claims as provided by law.

SALARIES AND EXPENSES OF DISTRICT JUDGES

FROM THE GENERAL FUND

For salaries of district judges, one hundred ten thousand four hundred dollars $110,400.00

For expenses, twelve thousand six hundred dollars ..... $ 12,600.00

SALARIES OF COUNTY ATTORNEYS

FROM THE GENERAL FUND

For salaries, fifty thousand dollars ..... $ 50,000.00

TRANSPORTATION OF PRISONERS

FROM THE GENERAL FUND

For the purpose of paying the expenses of transporting prisoners, nine thousand dollars ..... $ 9,000.00

MONTANA TRADE COMMISSION

FROM THE GENERAL FUND

For salaries and expenses, five thousand dollars .... $ 5,000.00

REGULATORY BOARDS

All regulatory boards for which the law provides for a collection of fees and such fees are deposited with the state treasurer, as trust

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funds, are hereby appropriated for the use of each of the said boards, a sum equal to the amount of their collections, except wherein the law provides for deductions.

The following boards are enumerated as regulatory boards now having their funds on deposit with the state treasurer:

STATE EXAMINING BOARD OF ABSTRACTORS
BOARD OF ARCHITECTURAL EXAMINERS
BOARD OF CHIROPRACTIC EXAMINERS
STATE GRAZING COMMISSION
BOARD OF MEDICAL EXAMINERS
STATE EXAMINING BOARD FOR NURSES
OIL CONSERVATION BOARD
BOARD OF EXAMINERS IN PHOTOGRAPHY

MILK CONTROL BOARD
FROM THE GENERAL FUND

For salaries and expenses, nine thousand dollars ..... $ 9,000.00

MONTANA COMMISSION FOR BLIND
FROM THE GENERAL FUND

Salary of supervisor, twelve hundred dollars ..... $ 1,200.00
For expenses, one thousand dollars ..... $ 1,000.00

VETERANS' WELFARE COMMISSION
FROM THE GENERAL FUND

For salaries and expenses, nine thousand dollars ..... $ 9,000.00

Section 4. Provided further, that all appropriations contained herein shall be used for the purposes designated and no other, and the definitions given in Section 1 of this act shall govern all appropriations.

Section 5. It is further provided that wherein departments or institutions have appropriations from sources other than the general fund or university millage fund, excepting trust funds wherein a specific law governs, the money from such other sources shall be used when available before using the appropriations from the general fund or university millage fund; provided, however, that such restrictions shall not apply to moneys from special tax on livestock, or to special fees collected on livestock or from livestock owners as provided by law.

Section 6. In the case of all departments, boards, bureaus, commissions and agencies which are authorized to collect or receipt for license fees or other revenues which had heretofore been deposited in a special fund for the use of said departments, boards, bureaus,

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commissions or agencies, said departments, boards, bureaus, commissions and agencies are hereby required to file with the state board of examiners a monthly report showing the amount collected and the source from which collected and also the amount collected for the previous year for the corresponding month. In case of large discrepancies the board shall examine into the causes for such discrepancy, and they shall take such action as the case may justify.

Approved March 17, 1941.

HOUSE BILL NO. 381

An Act to Appropriate Money for the Department of the Attorney General to Reimburse the Law Enforcement Contingent Fund for Money Used for Operation of Said Department.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sum, or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money of the general fund of the state treasury, not otherwise appropriated, for the purpose of reimbursing the law enforcement contingent fund of the department of attorney general which was used in operation of the department because of insufficient appropriation for the biennium 1939-1941.

ATTORNEY GENERAL

FROM THE GENERAL FUND

For reimbursement of law enforcement contingent fund, one thousand four hundred ninety-five dollars and twenty cents $1,495.20

Section 2. The appropriation here above provided shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 8, 1941.

HOUSE BILL NO. 382

An Act to Appropriate Funds for the Payment of Certain Deficiency Claims Arising for Obligations Incurred by the Montana State Training School.

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Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sum or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the state treasury, not otherwise appropriated, for the purpose of paying the following deficiency claims arising for obligations incurred by the Montana state training school.

For obligations incurred by the Montana state training school, one thousand one hundred eighty-one dollars and fifty-eight cents $1,181.58

More particularly itemized as follows:

Mountain States Tel. & Tel. Co.	$ 14.51
Industrial Accident Board	$ 25.00
Industrial Accident Board	$ 220.47
Burrough Adding Machine Co.	$ 1.96
Victor H. Fall	$ 10.00
C. O. Hansen	$ 10.00
R. K. O. Radio Pictures, Inc.	$ 40.00
Red Star Yeast & Products Co.	$ 22.28
Northwest Supply Co.	$ 13.38
Montana Power Company	$ 234.33
Missoula Drug Company	$ 21.00
Mellor Produce & Paper Co.	$ 14.40
Kellogg Sales Company	$ 20.90
Brown Brothers Lumber Co.	$ 8.25
Clarke-McNary Shelter Belt Project	$ 4.00
State Nursery & Seed Co.	$ 2.90
Starz Pharmacy	$ .70
Boulder Market, Inc.	$ 7.85
United States Rubber Co.	$ 6.40
Sweet Brothers	$ 18.00
Ryan Fruit Company	$ 135.25
Caird Engineering Works	$ 350.00

Section 2. Appropriations hereinabove provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 11, 1941.

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HOUSE BILL NO. 383

An Act to Appropriate Funds for the Payment of Certain Deficiency Claims Arising for Obligations Incurred by the State School of Mines.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sum, or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the university millage fund, not otherwise appropriated, for the purpose of paying the following deficiency claims arising for obligations incurred by the state school of mines.

For obligations incurred by the state school of mines, two hundred twenty-five dollars and seventy-three cents $225.73

More particularly itemized as follows:

Industrial Accident Board $175.73

Guinevere E. Crouch ..... $ 50.00

Section 2. Appropriations hereinabove provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 8, 1941.

HOUSE BILL NO. 384

An Act to Appropriate Funds for the Payment of a Deficiency Claim Arising for Obligations Incurred by District Judge's Expenses.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sum, or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the state treasury, not otherwise appropriated, for the purpose of paying a deficiency claim arising for obligations incurred by district judge's expenses.

For obligations incurred by district judge's expenses, fifteen dollars and fifty-eight cents $15.58

More particularly itemized as follows:

Judge Benjamin E. Berg $15.58

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Section 2. Appropriations hereinabove provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 11, 1941.

HOUSE BILL NO. 385

An Act to Appropriate Funds for the Payment of Certain Deficiency Claims arising for Obligations Incurred by the State Text Book Commission.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sum, or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the state treasury not otherwise appropriated, for the purpose of paying the following deficiency claims arising for obligations incurred by the state text book commission.

For obligations incurred by the state text book commission, one hundred eighty-two dollars and sixty-one cents.....$182.61

More particularly itemized as follows:

A. Jerome Wall $151.03

Helen Laird .....$ 31.58

Section 2. Appropriations hereinabove p.ovided for shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 8, 1941.

HOUSE BILL NO. 386

An Act to Appropriate Funds for the Payment of Certain Deficiency Claims Arising for Obligations Incurred by the State Board of Equalization.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sum, or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money

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in the state treasury, not otherwise appropriated, for the purpose of paying the following deficiency claims, arising for obligations incurred by the state board of equalization.

For obligations incurred by the state board of equalization, twelve hundred ninety-nine dollars and two cents $1,299.02

More particularly itemized as follows:

Demers Mercantile Company	$ 22.54
Farmers Union Oil Company	$ 51.94
H. L. Green Properties Corporation	$ 4.69
Houston Fire & Casualty Company	$ 1.12
Mattson Oil Company	$ 57.13
Meyer & Chapman State Bank	$ 3.00
New Method Laundry Company	$ 79.62
Republic Coal Company	$ 793.94
Ryan Grocery Company	$ 241.99
Tobacco River Power Company	$ 43.05

Section 2. Appropriations hereinabove provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 11, 1941.

HOUSE BILL NO. 387

An Act to Appropriate Funds for the Payment of Certain Deficiency Claims Arising for Obligations Incurred by the State Treasurer.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sum or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the state treasury, not otherwise appropriated, for the purpose of paying the following deficiency claims arising for obligations incurred by the state treasurer.

For obligations incurred by the state treasurer, two hundred thirteen dollars and seventy-eight cents $213.78

More particularly itemized as follows:

E. J. Decker Construction Co.	$ 63.31
Caird Engineering Works	$150.47

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Section 2. Appropriations hereinabove provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 8, 1941.

HOUSE BILL NO. 388

An Act to Appropriate Money for the Operation of Certain State Departments, as Designated Herein, for the Four Month Period Beginning March 1, 1941, and Ending June 30, 1941.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums, or so much thereof as may be necessary, be, and the same are hereby appropriated out of any money in the state treasury and from special funds enumerated herein, not otherwise appropriated, for the purposes hereinafter expressed for the four-month period beginning March 1, 1941, and ending June 30, 1941.

WATER CONSERVATION BOARD
FROM THE GENERAL FUND

For the water conservation board administration

For salaries and expenses, thirty-three thousand dollars....$33,000.00

For the water conservation board revolving fund

For salaries and expenses, sixty-seven thousand dollars....$67,000.00

In addition to the above appropriations, all moneys paid or to be repaid the water conservation board from any source, by reason of any expenditures made by said board from state funds in the past, are hereby appropriated.

STATE SUPERVISED CORRESPONDENCE SCHOOL
FROM THE PUBLIC SCHOOL GENERAL FUND

For salaries and expenses, four thousand dollars .....$ 4,000.00

In addition to the above appropriation, all fees as provided in Section 1 of Chapter 70, laws of 1939, are hereby appropriated.

Section 2. It is declared by the passage of this act to appropriate for the four-month period from March 1, 1941, to June 30, 1941, only in order that future appropriations will come within the fiscal periods as defined by law.

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Section 3. The appropriations provided herein shall be deemed and held valid notwithstanding the provisions of the budget act.

Approved March 14, 1941.

HOUSE BILL NO. 389

An Act to Appropriate Money for the Use of the Water Conservation Board of the State of Montana for the Administration Fund and for the Conservation Revolving Fund of the Water Conservation Board for the Period Beginning July 1, 1941, and Ending June 30, 1943.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums, or so much thereof as may be necessary, be, and the same are hereby appropriated out of any money in the state treasury, and from special funds enumerated herein, not otherwise appropriated, for the purposes hereinafter expressed for the period beginning July 1, 1941, and ending June 30, 1943.

WATER CONSERVATION BOARD
FROM THE GENERAL FUND

For the water conservation board administration

For salaries and expenses, seventy-five thousand dollars ..... $ 75,000.00

For the water conservation board revolving fund

For salaries and expenses, one hundred twenty-five thousand dollars $125,000.00

In addition to the above appropriations, all moneys paid or to be repaid the water conservation board from any source, by reason of any expenditures made by said board from state funds in the past, are hereby appropriated.

Section 2. That the following sums, or so much thereof as may be necessary, be, and the same are hereby appropriated out of any money in the state treasury, and from special funds enumerated herein, not otherwise appropriated, for the purposes hereinafter expressed for the period beginning July 1, 1942, and ending June 30, 1943.

WATER CONSERVATION BOARD
FROM THE GENERAL FUND

For the water conservation board administration

For salaries and expenses, seventy-five thousand dollars ..... $ 75,000.00

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For the water conservation board revolving fund

For salaries and expenses, one hundred twenty-five thousand dollars $125,000.00

In addition to the above appropriations, all moneys paid or to be repaid the water conservation board from any source by reason of any expenditures made by said board from state funds in the past, are hereby appropriated.

Section 3. Appropriations hereinabove provided shall be deemed and held valid notwithstanding the provisions of the budget act.

Approved March 13, 1941.

HOUSE BILL NO. 393

An Act to Appropriate Money for Certain Types of Instruction, Equipment and Ventilation and Remodeling of Buildings at the Northern Montana College at Havre, Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums or so much thereof as may be necessary, be, and the same are hereby appropriated out of any money in the university millage fund not otherwise appropriated for the objects and purposes hereinafter set forth.

For the necessary equipment, installation and expense of installing ventilation equipment in and remodeling of buildings of the northern Montana college at Havre, Montana, the sum of seven thousand ($7,000.00) dollars.

For necessary expense of equipment, salaries of instructors, and expenses in connection with the installation of an industrial arts course at the northern Montana college at Havre, Montana, the sum of ten thousand ($10,000.00) dollars.

Section 2. Appropriations hereinabove provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 12, 1941.

HOUSE BILL NO. 394

An Act to Appropriate Money for Fire Insurance Premiums on State Buildings and Contents Out of Any Money in the General Fund or Any Special Funds enumerated Herein; Authorizing and Directing

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the State Insurance Commission With the Assistance of the State Fire Marshal to Make Annual Survey of All State Buildings and to Report to the State Board of Examiners; State Board of Examiners Shall Classify All State Buildings and Contents; Reduce Insured Values on Fire Resistive Buildings and Contents Not Subject to Heavy Losses; Eliminate Insurance on Montana State Fair Buildings and Contents and on All Worthless Structures; State Board of Examiners Empowered to Make an Appraisal of All State Buildings and Contents in Order to Determine Values for Fire Insurance, and to Take Advantage of the Pro Rata Term Budget Premium Plan of Insurance; Distribution of Insurance Among Licensed Companies in Proportion to Taxes Paid to the State of Montana as Evidenced by the Records of the State Auditor and Insurance Commissioner.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums or so much thereof as may be found necessary, be, and the same are hereby appropriated out of any moneys in the state treasury, and from special funds enumerated herein, not otherwise appropriated, for the objects and purposes hereinafter expressed, for the period beginning July 1, 1941, and ending June 30, 1942.

FIRE INSURANCE

FROM THE GENERAL FUND

For fire insurance premiums on buildings and contents for the following institutions and departments: State capitol group, school for deaf and blind, orphans' home, industrial school, vocational school, state prison, state hospital, tuberculosis sanitarium, soldiers' home, Montana training school, thirty-two thousand dollars $32,000.00

FROM THE UNIVERSITY MILLAGE FUND

For fire insurance premiums on buildings and contents of the greater university of Montana, twenty-four thousand dollars $24,000.00

FROM THE MOTOR VEHICLE FUND

For fire insurance premiums on buildings and contents owned by the motor vehicle department, five hundred dollars ..... $ 500.00

FROM THE HIGHWAY FUND

For fire insurance premiums on buildings and contents owned by the highway department, four thousand dollars ..... $ 4,000.00

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Section 2. That the following sums, or so much thereof as may be found necessary, be, and the same are hereby appropriated out of any moneys in the state treasury, and from special funds enumerated herein, not otherwise appropriated, for the objects and purposes hereinafter expressed, for the period beginning July 1, 1942, and ending June 30, 1943.

FIRE INSURANCE

FROM THE GENERAL FUND

For fire insurance premiums on buildings and contents for the following institutions and departments: State capitol group, scho for deaf and blind, orphans' home, industrial school, vocational school, state prison, state hospital, tuberculosis sanitarium, soldiers' home, Montana training school, eight thousand five hundred dollars ..... $ 8,500.00

FROM THE UNIVERSITY MILLAGE FUND

For fire insurance premiums on buildings and contents of the greater university of Montana, four thousand five hundred dollars ..... $ 4,500.00

FROM THE HIGHWAY FUND

For fire insurance premiums on buildings and contents owned by the highway department, one thousand five hundred dollars ..... $ 1,500.00

Section 3. The state insurance commission is hereby authorized and directed to make and complete a survey of all state buildings and contents, and are hereby given power to do all things necessary and convenient for carrying into effect the inspection survey during every year, of each state institution and submitting a report to the state board of examiners with recommendations in regard to insurance requirements and fire protection.

Section 4. The state insurance commission shall classify all state buildings as to types of construction, and reduce insured values on the fire resistive buildings and contents not being subject to heavy losses.

That fire insurance be eliminated on all worthless structures at the various state institutions.

Section 5. The state insurance commission is hereby given power to make an appraisal of all state buildings and contents in order to determine the values of each and every state building and contents for which fire insurance is written and placed in effect.

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Section 6. That the state board of examiners may take advantage of the pro rata term budget premium plan of insurance for the purpose of distributing premium payments over a period of three (3) or five (5) years, with fire insurance to be issued in equal amount for terms of one (1) year, two (2) years and three (3) years, and also for four (4) and five (5) years in case of risks where the five (5) year term is used.

Section 7. That the state board of examiners who are charged with the placing of fire insurance on state buildings and contents, distribute such insurance among the licensed companies in the State of Montana, in proportion to the taxes which fire insurance companies pay to the State, as evidenced by the records of the state auditor and insurance commissioners, it being understood that master policies will be written by fire insurance companies with amounts of insurance to be allocated among the licensed agents representing such companies, and further, the State of Montana will be furnished with the necessary inspection and engineering services and a fair and equitable premium rate for such insurance so written.

Section 8. The appropriations hereinabove provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

Approved in part only, as specified in message attached hereto, this March 20, 1941.

State of Montana
OFFICE OF THE GOVERNOR
Helena

SAM C. FORD,
Governor.

March 20, 1941.

Hon. Sam W. Mitchell,
Secretary of State,
Helena, Montana.

Dear Sir:

I hereby expressly approve each and every item contained in Sections 1 and 2 of House Bill No. 394, which is transmitted herewith.

I herewith expressly disapprove and veto each and every item and provision of Sections 3, 4, 5, 6 and 7 of said House Bill No. 394.

Without quoting the provisions of this bill in full, the following is its substance:

Sections 1 and 2 appropriate various sums of money from general and special funds for fire insurance premiums on buildings and con-

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tents for the state capitol group, school for deaf and blind, orphans' home, industrial school, state prison, state hospital, tuberculosis sanitarium, soldiers' home and Montana training school. These Sections are expressly allowed and approved.

Section 3 of the act directs the state insurance commission to make a survey of all state buildings and contents in regard to insurance requirements and to report to the state board of examiners with recommendations in regard to insurance requirements and fire protection.

Section 4 directs the state insurance commission to classify all state buildings and to reduce insurance values on fire restrictive buildings and contents, and to diminate fire insurance on worthless structures.

Section 5 authorizes the state insurance commission to appraise all buildings and contents in order to determine their value for insurance purposes.

Section 6 provides that the state board of examiners may take advantage of the pro rata term "budget premium plan of insurance" for the purpose of distributing premium payments over a period of years.

Section 7 requires the state board of examiners to distribute state fire insurance among licensed companies in proportion to the taxes which they pay to the State of Montana.

In my opinion House Bill No. 394 is a "general appropriation bill" within the meaning of Section 33 of Article V of the constitution and is obviously unconstitutional because of the fact that it embraces matters other than "appropriations for the ordinary expenses of the legislative, executive and judicial departments of the State", thus violative of the express provisions of Section 33 above.

An examination of the appropriation feature of this measure clearly discloses that no part of the funds appropriated under Sections 1 and 2 may be used by the state insurance commissioner in carrying out or performing the duties imposed under the provisions of Sections 3, 4 and 5 of the act.

Investigation further discloses that to do and perform the things required under the provisions of Sections 3, 4 and 5 would necessitate the expenditure of from $15,000 to $20,000, and that no money is available either by express appropriation or otherwise to be used for that purpose.

Further, I question the constitutionality of the law creating the state insurance commission.

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Whatever may be the merits of Sections 3, 4, 5, 6 and 7, in my opinion they cannot and should not be considered in determining the validity of said Sections or the action of the governor in disapproving the same.

A general appropriation bill, under our constitution, is not in the true sense of the term legislation. It is, as the language implies, merely a setting apart of the funds necessary for the use and maintenance of the various departments of the state government already in existence and functioning. In providing that it should embrace nothing else, the framers of the constitution undoubtedly intended that members of the legislature should be free to vote on it, knowing that appropriations and nothing else were involved. The reasons for such a requirement are obvious.

If the practice of incorporating legislation of general character in an appropriation bill should be allowed, then all sorts of ill-conceived, questionable if not vicious, legislation could be proposed with the threat that if not assented to and passed, the appropriation itself would be defeated. The possibility of such legislation is prohibited by Section 33 of Article V of our constitution and has been condemned in no uncertain terms by numerous reported cases.

For the reasons above stated, I cannot give my consent to the practice employed in this measure, and I refuse to establish the precedent of incorporating in an appropriation measure legislation foreign and wholly disconnected with such appropriation measure.

For the reasons cited I hereby expressly disapprove and veto each and every item and part of Sections 3, 4, 5, 6 and 7, and each and every provision thereof contained within said House Bill No. 394.

Very truly yours,

SAM C. FORD,
Governor.

HOUSE MEMORIAL NO. 1

A House Memorial to the Congress of the United States Requesting the Enactment of Appropriate Legislation for the Utilization of the Power and Water Resources at the Fort Peck Dam for Irrigation Development.

To the Honorable Senate and House of Representatives of the United States of America in Congress Assembled:

WHEREAS, a special northern great plains committee appointed by the president, has studied the effects of the ten-year drought in

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eastern Montana and recommended immediate use of water facilities for irrigation development; and,

WHEREAS, a survey by the bureau of reclamation has been made to determine the feasibility of irrigating a large acreage of dry land in this area by utilizing power and water available at Fort Peck, Montana; and,

WHEREAS, the conditions of unemployment and distress due to the drought are greatly aggravated by the completion of the construction of the dam; whereby hundreds of families have become stranded in Glasgow and the boom towns generated by the construction, not knowing where to go or what to do, and adding to the already over-burdened relief loads of Valley county to the extent that Valley county now carries one of the largest relief loads in the entire State; and,

WHEREAS, the bureau of reclamation survey is said to be practically completed, by reason of which it becomes necessary for the rehabilitation of a large section of eastern Montana; and,

WHEREAS, unless such use is made of the facilities of Fort Peck, Montana, this enormous project will prove itself not only of no benefit to Montana, but a positive injury to the counties it directly affects due to the permanent removal of revenue formerly derived from the flooded areas which formed the backbone of a flourishing stock industry regularly paying taxes and supporting farmers; and,

WHEREAS, the problem of national defense is uppermost in the minds of the administration and large expenditures are being authorized for this purpose, we submit that it would be a poor policy of defense to neglect the conservation of our land and water and human resources on this account, since they form as important an item in the strength of the nation as bullets or battleships or planes or tanks, for they are the best defense against conditions that are bound to arise after the war is over.

NOW, THEREFORE, BE IT RESOLVED, By the house, that the congress of the United States of America be respectfully urged and petitioned to enact legislation to the end, that the report of the bureau of reclamation survey be immediately released and that the feasible projects revealed be developed at once, thus to relieve human distress in the area by furnishing employment and farm homes to people dispossessed by the drought, and by reason of the enormous amount of unemployment caused by the substantial completion of the Fort Peck dam.

BE IT FURTHER RESOLVED, That a copy of this house Memorial be submitted by the secretary of the State of Montana, to the

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president of the United States, to both houses of the national congress, to the secretary of war, to the secretary of navy, to the secretary of the interior, to the commissioner of reclamation, and chief of army engineers, and each of the senators and representatives in congress from the State of Montana.

Filed January 15, 1941.

HOUSE MEMORIAL NO. 2

A House Memorial to the Congress of the United States Requesting That the Proper Authorities Be Urged to Employ the Utilities and Facilities Now Available at Fort Peck, Montana, in the Plan of National Defense.

To the Honorable House of Representatives and Senate of the United States of America in Congress Assembled:

WHEREAS, The United States government has constructed, at Fort Peck, Montana, the greatest earth dam in all time history for the specific purpose of flood control, navigation, and the generating of electric power, and because of these vast improvements and power facilities, the Fort Peck Dam has become a strategic point in the United States and most favorable adopted for the following purposes:

(1) Complete municipal utilities such as natural gas, electric power, sewage, a light system, paved streets, side walks and townsite to accommodate 10,000 people;

(2) Direct railroad connections with the coast line of the Great Northern railroad system, round house, freight depot, and switching yards on both sides of the river;

(3) Two direct oiled highway connections with highway number two (2);

(4) Administrative buildings, cold storage plant, laundry plant, and machine shops which are ready for immediate start on making hydro or aeroplane parts, or assembling same;

(5) Ample modern hospital facilities;

(6) With completion of the dam this property will become largely vacant and unless utilized as recommended will be large financial loss to the federal government;

(7) Large area of federally owned and controlled land contiguous to townsite with well mapped terrain usable for maneuvering and training troops;

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(8) The reservoir's large sheet of water, and the level surrounding prairie afford landing fields for land and sea planes;

(9) Site remote from attack by sea, land or air;

(10) Investigation will reveal many other considerations of equal importance; and

WHEREAS, The growing importance of power transmission to reclamation in Montana was recently reflected in President Roosevelt's budget message to congress; and

WHEREAS, Five hundred thousand ($500,000.00) dollars for Fort Peck was asked by President Roosevelt for the commencement of construction of transmission lines, substations, and such other facilities as might be required by the bureau for distribution of Fort Peck power, which is to be generated during the coming year as a result of previous work which has been done and will be done in the ensuing year, and which will result in the expenditure of several million dollars which has already been appropriated or will be appropriated for its completion; and

WHEREAS, The United States government in its program of national defense is making provision for the rapid expansion and enlargement of aviation and is creating new army and navy air bases; and

WHEREAS, The aviation program of the United States contemplates through the cooperation of colleges, universities, and commercial schools the training of many thousand air pilots annually; and

WHEREAS, There is no army or navy air base, at or near Fort Peck, Montana, and on account of its location, isolation, climate, and distance from other air bases, it is a logical location for an air base; and

WHEREAS, The Fort Peck dam will create a large lake one hundred and eighty-seven miles long, sixteen miles in maximum width and will have a shore line of twenty-five hundred miles, and as such will be an important asset to an air base; and

WHEREAS, With the completion of the dam, the United States government will have on hand property, which cost many million dollars and which will have to be sold at a great sacrifice, unless provision is made for its use at its present location.

NOW, THEREFORE, BE IT RESOLVED, By the house of representatives, that the congress of the United States of America be respectfully urged to employ the utilities and facilities now available at Fort Peck, Montana, in the plan of national defense.

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BE IT FURTHER RESOLVED, That a copy of this house Memorial be submitted by the secretary of the State of Montana, to the president of the United States, to the council of national defense, to both houses of the national congress, to the secretary of war, to the secretary of navy, and chief of army engineers, and each of the senators and representatives in congress from the State of Montana.

Filed January 15, 1941.

HOUSE JOINT MEMORIAL NO. 1

A Memorial Memorializing the Congress of the United States for the Passage of the Legislation for the Creation and Establishment of the Townsend Recovery Plan, and for Benefits to Be Paid to All Persons Over the Age of Sixty Years.

To the Honorable Senate and House of Representatives of the United States of America in Congress Assembled:

WHEREAS, There exists among employers of labor a widespread policy by which persons of over 45 years of age, willing and anxious to earn their livelihood are deprived of the opportunity of receiving employment; thus placing many such persons in a position of depending either upon friends or relatives or on public charity; and,

WHEREAS, Many of the persons thus deprived of an opportunity to earn their support, are, because of this policy, adopted and enforced by employers of labor, unable to support themselves by means of their own effort; and,

WHEREAS, Our social and economic welfare demands of the American people as a whole, that those, who, through no fault of their own, are thus deprived of the opporunity to earn a livelihood, be placed in a condition where their morale be sustained and they be neither indigents or partakers of public charity; and,

WHEREAS, The burden of creating and maintaining the social and economic welfare is of greater magnitude than the State of Montana in common with other states, is able to carry on; and,

WHEREAS, There exists not only a widespread demand of persons over sixty years of age for the passage of legislation which will permit them to maintain their self-respect, but there also exists an unusually strong demand of persons under the age of sixty years, that those who have pioneered in the building and development of our country be justly and adequately provided for in their declining years,

NOW, THEREFORE, BE IT RESOLVED By the house of representatives of the State of Montana, the senate concurring, that we

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do hereby petition the congress of the United States of America for the passage of the Townsend recovery plan into law, the said plan being deemed just and equitable to all persons over the age of sixty years.

BE IT FURTHER RESOLVED That a copy of this Memorial be transmitted by the secretary of state of Montana to the senate and house of representatives in congress from the State of Montana and they and each of them be requested to use all honorable means within their power to bring about the enactment of the Townsend recovery plan into law.

Approved February 4, 1941.

HOUSE JOINT MEMORIAL NO. 2

A Memorial to the Congress of the United States Requesting the Enactment of Appropriate Legislation in the Name of Patriotism and Justice Making All Bonds Issued by the United States Government, Any State or Other Governmental Agency, Taxable.

To the Honorable Senate and House of Representatives of the United State of America in Congress Assembled:

WHEREAS, The United States of America is in dire need of revenue and is looking for a new source of revenue, particularly at this time, due to the expenditures necessary in the defense program recently outlined by the president of the United States, and

WHEREAS, In the name of patriotism and justice it is the duty of every individual in the United States to pay his proper proportion of the expenses necessary for the defense program according to his ability to so pay, and

WHEREAS, Government bonds issued by the United States of America and the agencies that have been set up by the federal government, as well as bonds issued by the various states of the Union and the subdivisions of said states, are at present tax exempt, although such bonds are in a large part held and owned by persons financially able to pay a tax upon such bonds, in the same manner that stocks and bonds or other property is taxed:

NOW, THEREFORE, BE IT RESOLVED, That the twenty-seventh legislative assembly of the State of Montana, the senate and house concurring, hereby does request and petition the congress of the United States to enact proper legislation permitting and author-

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izing the taxing of bonds issued by the United States of America and the agencies that have been set up by the federal government, as well as bonds issued by the various states of the Union and the subdivisions of said states; said bonds to be taxable in the same manner and to the same extent that bonds issued by private business are now taxable.

BE IT FURTHER RESOLVED, That copies of this Memorial be transmitted by the secretary of state of the State of Montana to the senate and house of representatives of the congress of the United States and to the senators and representatives of the congress of the United States and to the senators and representatives in congress from the State of Montana, and that they and each of them be and they hereby are requested to use all means within their powers to bring about the passage of such legislation.

Approved February 4, 1941.

HOUSE JOINT MEMORIAL NO. 4

A Memorial to the Congress of the United States of America Requesting the Cancellation of All Seed Wheat Loan Contracts Now Existing Between Certain Farmers of the State of Montana and the United States of America.

To the Honorable Senate and House of Representatives of the United States of America in Congress Assembled:

WHEREAS, Certain farmers of the State of Montana, did, during the several years last past, enter into contracts with the United States of America respecting loans for the purchase of seed wheat, and,

WHEREAS, The farming industry of the State of Montana, during the last several years, has been harassed by drouth, insects and hail, and has derived small profit from its labor and investment, and,

WHEREAS, These unfortunate conditions have caused many to leave the farming industry for more lucrative callings in this State and elsewhere, and,

WHEREAS, Many of those who have deserted the farming industry, do not contemplate meeting, or cannot meet, their obligations under those seed wheat loan contracts, aforesaid, and,

WHEREAS, It is unjust that one should be compelled to meet the loans under said seed wheat loan contracts, when one has derived no appreciable return therefrom, and,

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WHEREAS, It would be financially ruinous in many cases if payment of said loans were compelled;

NOW THEREFORE, BE IT RESOLVED, That it is the prayer of your memorialists, the twenty-seventh legislative assembly of the State of Montana, that the Congress of the United States, should, by proper legislation, make possible the cancellation of seed wheat loan contracts where the forced collection of the same would prevent such farmer from continuing his usual and regular farming operations, or the collection of which would render such farmer unable to properly protect his family under a decent and humane standard of living.

Approved February 11, 1941.

HOUSE JOINT MEMORIAL NO. 5

A Memorial to the Congress of the United States of America Requesting the Enactment of Appropriate Legislation Adopting the Principles Embodied in What Is Known as the Farmers Wheat Certificate Bill and Introduced in the Senate of the Seventy-Sixth Congress of the United States of America by the Honorable Burton K. Wheeler and Known as Senate Bill 2395.

To the Honorable Senate and House of Representatives of the United States of America in Congress Assembled:

WHEREAS, During the past several years the wheat industry in the United States has suffered due, among other things, to an overproduction of wheat and the loss of world markets for the sale of the wheat, causing an inadequate price-return to the farmers of this country for the wheat they produce; and

WHEREAS, The congress of the United States in the early days of the depression, in order to remedy the situation, caused by the unequal cost-return to the wheat farmer, instituted an agricultural program that has now proven to be only a temporary correction which does not solve adequately and fairly the unequal cost-return to the farmer for the wheat he produces; and

WHEREAS, It is the consensus of opinion of a majority of the wheat farmers of Montana that this present wheat farm problem can be solved and placed on a more permanent basis than it now is, by enactment into law by our United States congress the fundamental principles embodied in the senate bill 2395, known as the farmers wheat certificate bill, and being the senate bill introduced in the senate of the United States by the Honorable Burton K. Wheeler at

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the seventy-sixth session of the congress of the United States, for the reason that the principles embodied therein, if enacted into law, would increase the return to the wheat farmers for the wheat they produce, thereby resulting in a higher consumer's purchasing power among the wheat farmers, which group constitutes one of the largest farm groups in the United States.

NOW, THEREFORE, BE IT RESOLVED, That the twenty-seventh legislative assembly of the State of Montana does hereby respectfully request and petition the congress of the United States to enact into law the fundamental principles embodied in senate bill 2395, and being the bill introduced by the Honorable Burton K. Wheeler in the seventy-sixth congress of the United States, and known as the farmers wheat certificate bill.

BE IT FURTHER RESOLVED, That copies of this Memorial be transmitted by the secretary of the state of the State of Montana to the Honorable Franklin D. Roosevelt, president of the United States, the senate and the house of representatives of the congress of the United States, and to the senators and representatives in congress from the State of Montana, and to the honorable secretary of the United States department of agriculture.

Approved February 18, 1941.

HOUSE JOINT MEMORIAL NO. 6

A Memorial to the Congress of the United States Requesting the Enactment of Appropriate Legislation Giving the Counties of the State of Montana the Power to Tax Nationally Owned Land Within Their Borders.

To the Honorable Senate and House of Representatives of the United States of America in Congress Assembled:

WHEREAS, There are approximately 16,221,866 acres of national forest land and millions of acres of other federally owned lands within the State of Montana which is non-taxable by the various counties in which it is situated; and

WHEREAS, The income received by the various counties and the State of Montana from taxation on privately owned lands is used to extend protection to those who live on non-taxable nationally owned lands; and

WHEREAS, Your petitioners herein, the twenty-seventh legislative assembly of the State of Montana, believe it equitable and just

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that said nationally owned lands contribute their full and just share to the support of the several counties, in which such lands are situated, and to the State; and

WHEREAS, The federal government often purchases privately owned land in the State of Montana for national forest lands and other purposes, thereby withdrawing such lands from taxation by the county in which they may be situated and thereby constantly increasing the tax burden on the privately owned lands remaining in such counties; and

WHEREAS, This withdrawal of lands by the federal government has, in several counties of the State of Montana, resulted in oppressive and confiscatory tax burdens on the privately owned lands remaining in said counties; and

WHEREAS, Such distributions of forest reserve monies as are now voluntarily made under authority of the congress of the United States are wholly insufficient to equalize, even partially, the losses suffered by the State of Montana, its counties and school districts as such losses are mentioned above, and more equitable dealing with the problem by the federal government is imperative, if local governments are to endure;

NOW THEREFORE, BE IT RESOLVED, That the twenty-seventh legislative assembly of the State of Montana, the senate and house concurring, does hereby request and petition the congress of the United States to enact the more adequate and equitable legislation to correct this condition which has resulted in such oppressive taxation in several counties of the State of Montana.

Approved February 28, 1941.

HOUSE JOINT MEMORIAL NO. 7

A Memorial to the Congress of the United States of America Requesting It to Assist the Beet Sugar Industry in Montana.

WHEREAS, Domestic sugar beet growers were allowed in 1940 only 22.49 per cent of the American sugar market which is considerably less than the allocation for Cuban sugar, and,

WHEREAS, The secretary of agriculture ordered that the beet crop for 1941 be reduced twenty per cent (20%) below that of 1940, which means that the farmers and labor engaged in this industry will suffer a one-fifth loss of time and earnings, thereby being thrown on the W. P. A. and relief rolls, and,

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WHEREAS, The import of foreign sugar as at present has brought the farmers, the workers in the beet sugar factories, and the laborers in the beet fields in direct competition with the badly underpaid labor in foreign sugar producing territories; such competition resulting in the lowering of the standards of living of the American farmers and laborers to a level incompatable with the American way of life, and detrimental to the welfare of all the inhabitants of the State of Montana, and,

WHEREAS, One-seventh of the beet acreage in Montana is on federal reclamation projects that costs the taxpayers many thousands of dollars which could easily be repaid from sugar beet crops, and,

WHEREAS, Any limitation on the opportunity for water users to produce crops of which there is no surplus in this country (such as sugar beets) obviously affects the ability to repay reclamation construction costs, and,

WHEREAS, Under existing conditions sugar beets is the only crop that gives farmers an opportunity to balance their farm program with a cash crop upon which they may rely, and,

WHEREAS, The president of the United States urged people to settle in the north western states and stressed it as the duty of the government to provide reclamation for prospective migrants, and,

WHEREAS, New projects, and others without previous production records are most severely limited in beet acreage under existing law, and,

WHEREAS, Climatic and other conditions limit crop diversification in many projects adoptable to beet production, and,

WHEREAS, Sugar beet acreage is principally on small tracts, averaging thirteen (13) acres to the grower and that its production provides work for the members of a family as well as outside farm and factory labor, and all the earnings of these workers are spent within the State, and,

WHEREAS, There are now five (5) sugar factories in Montana, all operating under union conditions, the workers of which are receiving a decent minimum wage and are under collective bargaining agreements with their employers, and,

WHEREAS, There is ample room in Montana for additional acreage and sugar factories, the operation of which would have considerable increase employment and reduce the relief rolls, and,

WHEREAS, The secretary of agriculture ordered a reduction of five thousand (5,000) beet acreage in the Billings, Montana district,

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such decrease amounting to a loss of four hundred thousand dollars ($400,000.00) in income and fifty-two thousand dollars ($52,000.00) in wages in that particular district without feasible means of recovering said loss by planting any other profitable crop on the above mentioned acreage;

NOW, THEREFORE, BE IT RESOLVED, That it is the prayer of your memorialists, the twenty-seventh legislative assembly of the State of Montana, that the congress of the United States of America, should, by proper legislation, relieve the farmers, processors, and wage earners engaged in the growing and manufacturing of beet sugar, by immediately raising the domestic sugar quota to permit a greater acreage and processing for Montana increasing it annually: to relieve the farmers and workers of Montana from destructive competition with poorly paid labor in the foreign sugar producing territories, and to maintain a protective market by reductions and adequate tariffs on imported sugar, and,

BE IT FURTHER RESOLVED, That a copy of this Memorial, duly authenticated, be sent by the secretary of state to both houses of the congress of the United States, to the senators and representatives of Montana in the said congress, and to the secretary of the United States department of agriculture.

Approved February 24, 1941.

HOUSE JOINT MEMORIAL NO. 8

A Memorial to Congress Requesting the Enactment of a Bill Introduced by the Honorable Burton K. Wheeler in the United States Senate Seeking the Establishment of the United States Assay Office at Helena.

To the Honorable Senate and the House of Representatives of the United States in Congress Assembled:

WHEREAS, Senator Burton K. Wheeler of Montana on January 10th, 1941 introduced a bill into the United States Senate, seeking the establishment of a United States assay office at Helena for the purchase of gold and silver bullion, gold dust and similar gold and silver products, and,

WHEREAS, The mining association of Montana feels that the establishment of such an assay office in Helena is an economic necessity as the Montana production of gold and silver is nearly five hundred per cent (500%) greater now than when the former Helena United States assay office was discontinued in 1932.

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NOW, THEREFORE, BE IT RESOLVED, That the twenty-seventh legislative assembly of Montana urge the congress of the United States to pass the Wheeler bill, as outlined in the first paragraph of this Memorial.

Approved March 4, 1941.

HOUSE JOINT MEMORIAL NO. 9

A Memorial to the Federal Hospital Board in Charge of the Allocation of Funds Appropriated by Congress for the Construction of Veterans' Hospital Facilities, Requesting the Allocation of Funds for the Addition of Hospital Facilities at Fort Harrison, Montana.

WHEREAS, It has been made to appear to the twenty-seventh legislative assembly of the State of Montana that the veterans' hospital at Fort Harrison, Montana is inadequate, with its present capacity of one hundred twenty-five (125) beds, to care for the veterans in the area served by said hospital who may need hospital care; and

WHEREAS, It further appears that the administrative, dining room, and other similar facilities are sufficient to serve a hospital providing four hundred (400) or five hundred (500) patient beds; and

WHEREAS, It further appears that the facilities at Fort Harrison are far below the quota to which this area would be entitled on the basis of veteran population; and

WHEREAS, It further appears that a large number of men in this area who are entitled to hospitalization at Fort Harrison are now being cared for in various other facilities, and that at the present time there is a waiting list of about fifty (50) men desiring hospitalization; and

WHEREAS, The federal government has recognized its responsibility for domiciliary cases, of which there will be an increasing number from year to year, and the care of which, if imposed upon the State of Montana, would result in a heavy burden upon this State; and

WHEREAS, The army and navy training program is bound to result in large numbers of men being turned back to their respective hospital areas after discharge from army and navy hospitals as unfit for further service; and

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WHEREAS, The time within which new hospital facilities will be ready for use after the allocation of funds is usually two (2), or three (3) years or more, during which time and hospital load in this area will greatly increase; and

WHEREAS, The morale of the men of previous wars and of the men of the present and future military activities of this country would be greatly increased if there is concrete assurance of adequate hospital care in the event of disability resulting from sickness or injury in such service;

NOW, THEREFORE, This legislative assembly by this Joint Memorial hereby requests the federal hospital board at its next meeting to allocate funds sufficient for the construction of an additional bed unit of one hundred fifty (150) beds, and provide for the construction of such unit as rapidly as may be possible.

Approved March 4, 1941.

HOUSE JOINT MEMORIAL NO. 10

A Resolution Memorializing the President of the United States, and the Federal Housing Administration to Apply the Federal Housing Act to Rural Localities Within the State of Montana.

To the President of the United States and to the Federal Housing Administrator:

WHEREAS, The congress of the United States has passed, and the government thereof put into effect, an act known as the national housing act:

AND, WHEREAS, Said act was intended to make possible the ownership of homes, and the building of homes for people upon more favorable terms than had been the general practice in the United States, thereby serving the dual purpose of enabling people of moderate means, through home ownership, to become stable and settled members of the communities wherein they reside, and of providing work for large numbers of artisans and craftsmen then unemployed:

AND, WHEREAS, Said act, under Title II, Section 203 (B), makes the provisions of the act applicable to "property, urban, suburban, or rural" under rules and regulations set out therein:

AND, WHEREAS, There are in the State of Montana many rural districts needing and entitled to the benefits of said act:

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AND, WHEREAS, Rural localities in the State of Montana have been, in nearly all cases, denied the benefits arising from the application of said act, said denial constituting a very great handicap and detriment in the upbuilding of the natural and economic resources of the State:

AND, WHEREAS, There is a constant and increasing need and demand for homes in rural districts adjacent to the cities of Montana, where citizens, limited by law to forty hours work in any week, may supplement their earnings in and near said cities by raising gardens, chickens, cows, and other similar activities:

AND, WHEREAS, The application of said act to rural districts would furnish work to a large number of artisans and craftsmen, badly needing same, in the building of homes, irrigation systems, roads, electric and telephone lines, and other activities incidental thereto:

AND, WHEREAS, Rural districts in other states are benefitting from the provisions of said act, labor is being employed in consequence thereof, and people are being enabled to build and to own rural homes through the application of said act to rural localities:

NOW, THEREFORE, BE IT RESOLVED by the house of representatives and the senate concurring, that the president of the United States, and the federal housing administrator be, and they are hereby respectfully urged and petitioned to cause the application of said act to be extended to rural localities in the State of Montana.

BE IT FURTHER RESOLVED, That a copy of this Joint Memorial be submitted by the secretary of state of the State of Montana to the president of the United States, to the federal housing administrator, and to each of the senators and representatives of the State of Montana in congress.

Approved March 4, 1941.

HOUSE JOINT MEMORIAL NO. 11

A Memorial to the Congress of the United States of America Urging the Elimination of Certain Deferments Now Authorized by the Present Conscription Law.

To the Honorable Senate and House of Representatives of the United States in Congress Assembled in the Seventy-Seventh Session:

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WHEREAS, The last assembled congress of the United States in its wisdom, in an attempt to further the defense of the federal union, and in its attempt to further national defense, did enact into law the Burke-Wadsworth bill, now known as the conscription or selective service law; and,

WHEREAS, The selective service law does authorize the drafting into federal military service definitely specified age groups of the male citizens of the nation; and,

WHEREAS, The selective service law does specifically place in deferred classifications of able-bodied male citizens those who are at this time either elective or appointive officers of the federal and state governments; and,

WHEREAS, It is the belief of this body that such deferment is in effect a discrimination against those persons who are ready and willing at all times to serve for the good of the common weal; and,

WHEREAS, This deferment does in effect set up a privileged class; and,

WHEREAS, It is one of the most basic principles of a democracy, founded upon the theory and fact that it is an institution of the people, by the people, and for the people, and whereas it is a furtherance of that principle that all shall assume responsibilities as well as enjoy the equal rights derived from citizenship in a democracy; and,

WHEREAS, It has been amply and unquestionably demonstrated on the recent battlefields of Europe that in modern warfare, education and experience are far better criteria for selecting men for military service than youth or physical fitness; and,

WHEREAS, It is the belief of this legislative body that all male citizens, regardless of age or position in civilian life, are ready and anxious to perform their part in the common defense;

NOW, THEREFORE, BE IT RESOLVED, By the twenty-seventh legislative assembly of the State of Montana, the house and the senate concurring, that we do hereby memorialize the national congress to immediately take such steps as may be necessary to amend the present selective service law, in such passages as may be necessary, when such passages either in fact or in inference set up such deferments that can be construed as having any tendency whatsoever, either by age groupings or position in civilian life, of creating a privileged class or classes in the United States of America, regardless of the fact of whether these classes are or are not voluntary; and,

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BE IT FURTHER RESOLVED, That the draft boards can, when warranted by the common purpose of national defense, defer from time to time as deemed necessary by the board any or all of such persons referred to above; and,

BE IT FURTHER RESOLVED That copies of this memorial be transmitted by the secretary of state, Sam Mitchell, of the State of Montana, to the Honorable Franklin D. Roosevelt, president of the United States of America, to Henry L. Stimson, secretary of war, to C. A. Dykstra, selective service administrator, to Honorable Burton K. Wheeler, Honorable James E. Murray, Honorable James F. O'Connor, and the Honorable Jeannette Rankin.

Approved March 4, 1941.

HOUSE JOINT MEMORIAL NO. 12

A Memorial to the Congress of the United States Requesting Enactment of Such Legislation as May Be Necessary to Provide for Payments to Counties to Reimburse Them for Loss of Tax Revenue Resulting From the Use of Certain Lands by the United States of America.

To the Honorable Senate and House of Representatives of the United States of America in Congress Assembled:

WHEREAS, The United States has acquired either by purchase, condemnation, or otherwise, large areas of land in Montana that were once in private ownership and subject to taxation; and,

WHEREAS, The state and county governments have lost all tax revenue therefrom, while at the same time there have been substantially the same governmental expenses for the area or territory where the lands are situate since the taking of such lands off of the tax rolls; and,

WHEREAS, It is the belief of your memorialists that the United States should reimburse the counties for the loss of tax revenue on account of the taking of such lands.

NOW, THEREFORE, BE IT RESOLVED, That the twenty-seventh legislative assembly of the State of Montana, the senate and house concurring, hereby does request and petition the congress of the United States to enact such legislation as may be necessary to reimburse each county of the State of Montana for the loss of all tax revenue on account of the use by the United States of all those lands which were once in private ownership and subject to

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taxation by the state and county governments, and which have been acquired by purchase, condemnation, or otherwise, by the United States.

BE IT FURTHER RESOLVED, That a copy of this Memorial be transmitted by the secretary of state of the State of Montana to the senate and house of representatives of the congress of the United States and to the senators and representatives of the congress of the United States and to the senators and representatives in congress from the State of Montana, and that they and each of them be and they hereby are requested to use all means within their powers to bring about the passage of such legislation.

Approved March 8, 1941.

HOUSE JOINT RESOLUTION NO. 1

A Resolution Providing for the Creation of a Joint Committee From the House of Representatives and the Senate of the State of Montana for the Purpose of Studying and Investigating the Present Governmental Organization of the State of Montana in all Its Departments, With a View to the Recommendation of Legislation at This Present Session of the Twenty-seventh Legislative Assembly for Decreasing Government Agencies, Effecting Consolidations of Services Where Compatible With the Public Service, Insuring Economies in Operation, and Elimination of Alleged Emergency Powers, Functions and Bodies.

WHEREAS, Honorable Sam C. Ford, governor of Montana, in his message to the joint assembly of the 27th legislative assembly on Tuesday, January 7th, 1941, respecting the condition of the state government said:

"May I direct your attention to the great increase in offices, departments, employees during the past several years, and resulting therefrom, an alarming growth in the cost of our government. With this has come needless and expensive duplication of service.

"There is a pressing need for the reorganization of our entire state business structure, involving consolidation of offices, boards, departments, and particularly functions of government; the elimination of duplications; better co-ordination and strengthening of administrative responsibility. If we have the will and courage for it, retrenchment can be had without impairing any essential governmental function.

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"An intelligent reorganization cannot be accomplished without a thorough study and survey on which to base definite legislative action. I, therefore, recommend the enactment of suitable legislation, with adequate appropriation, authorizing the governor to employ experts and specialists in state reorganization to undertake a study and make report and recommendations to the next legislative assembly.

"I likewise urge the appointment of a joint special committee to determine what, if any, changes may be made by this body to procure an immediate saving."

WHEREAS, It is now clearly recognized by the people of Montana that there has been a wholly needless and expensive expansion of and in governmental agencies, boards, bureaus, commissions and departments, and in public functions, with an accompanying enormous increase in public expenditures, and useless, ill-advised and unnecessary regulations without any return in service to those who are governed, and in fact detrimental to the taxpayers, and destructive of individual initiative, and it is now plainly realized that many alleged "emergencies" were and are non-existant, and our people are now confronted with the very real necessity of reducing state-authorized taxes and expenditures in order to save their strength and their substance for the great national effort of defense, and protecting their welfare against an aftermath of economic dislocation:

NOW, THEREFORE, BE IT RESOLVED By the house of representatives of this twenty-seventh legislative assembly of the State of Montana, the senate concurring, that upon the passage of this Joint Resolution the speaker of the house appoint a committee of three members from the house and the president of the senate appoint a committee of three members from the senate, said six appointees to act as a joint committee, hereby authorized and directed forthwith to undertake the study and investigation of the present governmental organization of the State of Montana, in all its departments, and that such committee shall prepare and deliver its report, not later than February 15th, 1941, recommending to the present legislative session, the passage of such measures as in its judgment may properly be enacted at this time to realize as many of the objectives of said message, and of this resolution, above stated, as may be realized without the delay incident to constitutional amendments, submission to referenda, or more extended consideration, the assembly hereby declaring its desire to avoid delay in these matters as far as possible.

BE IT FURTHER RESOLVED, That the said presiding officers

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of the respective houses, provide said joint committee with such clerical and other assistance, and office quarters in the capitol building, as it may require, and that the said joint committee be authorized to hold public hearings in Helena for the submission to it of any proposals for reorganization of the state governmental, administrative and social service structure.

Approved February 4, 1941.

HOUSE JOINT RESOLUTION NO. 2

A Joint Resolution Declaring an Emergency to Exist and Providing for the Compensation and Employment of an Additional Assistant Law Clerk During the Twenty-seventh Legislative Assembly of the State of Montana Pursuant to the Authority Granted by Section 77 of the Revised Codes of Montana 1935.

Be It Resolved by the House of Representatives of the Twenty-seventh Legislative Assembly of the State of Montana, the Senate Concurring:

WHEREAS, The need for skilled help in the house of representatives has created an emergency, and

WHEREAS, The members of the house of representatives have need for considerable help in drafting bills to be presented to the twenty-seventh legislative assembly which has created an extraordinary condition rendering it necessary for the orderly and expeditious conduct of the business of the house of representatives to employ an additional assistant law clerk in addition to the authority and enumeration of the employees of the house of representatives contained in Chapter 23 of the session laws of the twenty-sixth (1939) legislative assembly of the State of Montana, during this twenty-seventh session of the legislative assembly.

NOW, THEREFORE, BE IT RESOLVED, By the house of representatives of the twenty-seventh legislative assembly of the State of Montana, the senate concurring, that by virtue of section 77 Revised Codes of Montana 1935, the employment committee of the house of representatives be authorized to employ one additional assistant law clerk at a salary of seven dollars ($7.00) per day during the twenty-seventh legislative assembly of the State of Montana.

Approved January 17, 1941.

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HOUSE JOINT RESOLUTION NO. 3

A Joint Resolution Designating the Third Week in May as Citizenship Week in the State of Montana.

Be It Resolved by the House of Representatives of the Twenty-seventh Legislative Assembly of the State of Montana, the Senate Concurring:

WHEREAS, The Montana bar association, under the supervision of the supreme court, and the several district courts of the State, has announced a program for citizenship observance in recognition of the thousands of young men and women reaching the age of 21 each year; and

WHEREAS, Under this program of the Montana bar association the members of the bar are gratuitously donating their services in conducting, each year, a course in citizenship, explaining the various branches of the government, the values, duties and obligations of citizenship; and

WHEREAS, This program has attracted nation-wide attention, and it is desired that the time for holding the same be officially designated in conformity with the resolution heretofore passed by the congress of the United States and signed by the president on the 3rd day of May, 1940, being Public Resolution No. 67, entitled a joint resolution, authorizing the president to proclaim a citizenship day for recognition, observance and commemoration of American citizenship, and the time of which, in said resolution, is set during the third week of May of each and every year;

NOW, THEREFORE, BE IT RESOLVED That the third week in May of each and every year is hereby designated as citizenship week, in the State of Montana, and all persons and organizations are urged to make plans for the proper observance of a citizenship day during the third week of May and for the full instruction of future citizens in their responsibilities and obligations as citizens of the United States of America, and of the states and localities in which they reside.

Approved February 6, 1941.

SENATE MEMORIAL NO. 1

A Senate Memorial to the Congress of the United States Requesting the Enactment of Appropriate Legislation for the Utilization of the Power and Water Resources at the Fort Peck Dam for Irrigation Development.

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To the Honorable Senate and House of Representatives of the United States of America in Congress Assembled:

WHEREAS, A special northern great plains committee appointed by the president, has studied the effects of the ten-year drought in eastern Montana and recommended immediate use of water facilities for irrigation development; and,

WHEREAS, A survey by the bureau of reclamation has been made to determine the feasibility of irrigating a large acreage of dry land in this area by utilizing power and water available at Fort Peck, Montana; and,

WHEREAS, The conditions of unemployment and distress due to the drought are greatly aggravated by the completion of the construction of the dam; whereby hundreds of families have become stranded in Glasgow and the boom towns generated by the construction, not knowing where to go or what to do, and adding to the already over-burdened relief loads of Valley county to the extent that Valley county now carries one of the largest relief loads in the entire State; and,

WHEREAS, The bureau of reclamation survey is said to be practically completed, by reason of which it becomes necessary for the rehabilitation of a large section of eastern Montana; and,

WHEREAS, Unless such use is made of the facilities of Fort Peck, Montana, this enormous project will prove itself not only of no benefit to Montana, but a positive injury to the counties it directly affects due to the permanent removal of revenue formerly derived from the flooded areas which formed the backbone of a flourishing stock industry regularly paying taxes and supporting farmers; and,

WHEREAS, The problem of national defense is uppermost in the minds of the administration and large expenditures are being authorized for this purpose, we submit that it would be a poor policy of defense to neglect the conservation of our land and water and human resources on this account, since they form as important an item in the strength of the nation as bullets or battleships or planes or tanks, for they are the best defense against conditions that are bound to arise after the war is over.

NOW, THEREFORE, BE IT RESOLVED, By the senate, that the congress of the United States of America be respectfully urged and petitioned to enact legislation to the end, that the report of the bureau of reclamation survey be immediately released and that the feasible projects revealed be developed at once, thus to relieve human distress in the area by furnishing employment and farm homes to

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people dispossessed by the drought, and by reason of the enormous amount of unemployment caused by the substantial completion of the Fort Peck dam.

BE IT FURTHER RESOLVED, That a copy of this senate Memorial be submitted by the secretary of the State of Montana, to the president of the United States, to both houses of the national congress, to the secretary of war, to the secretary of navy, to the secretary of the interior, to the commissioner of reclamation, and chief of army engineers, and each of the senators and representatives in congress from the State of Montana.

Filed January 14, 1941.

SENATE MEMORIAL NO. 2

A Senate Memorial to the Congress of the United States Requesting That the Proper Authorities Be Urged to Employ the Utilities and Facilities Now Available at Fort Peck, Montana, in the Plan of National Defense.

To the Honorable Senate and House of Representatives of the United States of America in Congress Assembled:

WHEREAS, The United States government has constructed, at Fort Peck, Montana, the greatest earth dam in all time history for the specific purpose of flood control, navigation, and the generating of electric power, and because of these vast improvements and power facilities, the Fort Peck dam has become a strategic point in the United States and most favorably adapted for the following purposes:

(1) Complete municipal utilities such as natural gas, electric power, sewage, a lighting system, paved streets, side walks and townsite to accommodate 10,000 people.

(2) Direct railroad connections with the coast line of the Great Northern railroad system, round house, freight depot, and switching yards on both sides of the river.

(3) Two direct oiled highway connections with highway number two (2).

(4) Administrative buildings, cold storage plant, laundry plant, and machine shops which are ready for immediate start on making hydro or aeroplane parts, or assembling same.

(5) Ample modern hospital facilities.

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(6) With completion of the dam this property will become largely vacant and unless utilized as recommended will be a large financial loss to the federal government.

(7) Large area of federally owned and controlled land contiguous to townsite with well mapped terrain usable for maneuvering and training troops.

(8) The reservoir's large sheet of water, and the level surrounding prairie afford landing fields for land and sea planes.

(9) Site remote from attack by sea, land, or air.

(10) Investigation will reveal many other considerations of equal importance; and

WHEREAS, The growing importance of power transmission to reclamation in Montana was recently reflected in President Roosevelt's budget message to congress; and

WHEREAS, Five hundred thousand dollars ($500,000.00) for Fort Peck was asked by President Roosevelt for the commencement of construction of transmission lines, sub-stations, and such other facilities as might be requried by the bureau for distribution of Fort Peck power, which is to be generated during the coming year as a result of previous work which has been done and will be done in the ensuing year, and which will result in the expenditure of several million dollars which has already been appropriated or will be appropriated for its completion; and

WHEREAS, The United States government in its program of national defense is making provision for the rapid expansion and enlargement of aviation and is creating new army and navy air bases; and

WHEREAS, The aviation program of the United States contemplates through the cooperation of colleges, universities, and commercial schools the training of many thousand air pilots annually; and

WHEREAS, There is no army or navy air base at, or near Fort Peck, Montana, and on account of its location, isolation, climate, and distance from other air bases, it is a logical location for an air base; and

WHEREAS, The Fort Peck dam will create a large lake one hundred and eighty-seven miles long, sixteen miles in maximum width and will have a shore line of twenty-five hundred miles, and as such will be an important asset to an air base; and

WHEREAS, With the completion of the dam, the United States government will have on hand property, which cost many million

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dollars and which will have to be sold at a great sacrifice, unless provision is made for its use at its present location.

NOW, THEREFORE, BE IT RESOLVED, By the senate, that the congress of the United States of America be respectfully urged to employ the utilities and facilities now available at Fort Peck, Montana, in the plan of national defense.

BE IT FURTHER RESOLVED, That a copy of this senate memorial be submitted by the secretary of the State of Montana, to the president of the United States, to the council of national defense, to both houses of the national congress, to the secretary of war, to the secretary of navy, and chief of army engineers, and each of the senators and representatives in congress from the State of Montana.

Filed January 14, 1941.

SENATE MEMORIAL NO. 4

A Senate Memorial to the President of the United States, Vice-President, National Congress, Secretary of Agriculture, and Others Named in This Memorial, Requesting Proper Sugar Legislation and More Equitable Quotas for Sugar Beet Acreage and Further Requesting a Normal Expansion and an Adequate Protection of the Sugar Industry.

Be It Enacted by the Senate of the Legislative Assembly of the State of Montana:

WHEREAS, The sugar beet industry has become firmly established in fourteen counties of the State of Montana and constitutes the major crop grown in irrigated valleys. Thirty-seven per cent of the population of the state resides in these districts and are directly and indirectly dependent upon the income from sugar beet production, and

WHEREAS, There are two major agricultural crops in Montana, namely, sugar beets and wheat. Because of the curtailment of sugar beet acreage for the older beet growing districts and the absence of sugar beet acreage for new irrigated districts, an agricultural emergency is hereby declared for farmers in the irrigated districts in the State of Montana, and

WHEREAS, It is financial ruin to compel irrigated farmers to plant wheat which already is a huge surplus commodity, and the growing of wheat under irrigation does not pay the cost of production, and

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WHEREAS, It is our firm belief that the real picture of this situation has not been presented to the honorable secretary of agriculture in Washington, and

WHEREAS, Sugar beets have been produced in Montana over twenty-five years; this crop is well adapted to Montana climatic conditions; it requires a proper rotation for better farming and fertilization of the soil; a sugar beet crop provides beet tops, pulp and molasses which fits into livestock feeding of thousands of cattle and hundreds of thousands of lambs, and

WHEREAS, The growing of sugar beets under normal expansion of acreage and adequate protection for the industry will guarantee farmers a fair price for their beets, guarantee American laborers a living wage, and solve a serious and vexing problem, and

WHEREAS, We strongly maintain that the larger part of the sugar industry in the United States belongs to the American farmers and American labor, and

WHEREAS, We vigorously oppose refined sugar entering the United States from any of our insular possessions; we urge that only raw sugar come into this country and the refining of same be done by American refineries and the labor given to American laborers, and

WHEREAS, We quote from page 5 of the speech by Senator Thomas of Idaho, given July 29, 1940, quoting L. J. Taber, master of the national grange:

"Since 1934 we have reduced the duty on imports of sugar from Cuba from 2 to 0.9 cents per pound. Between September 3, 1934, and December 31, 1939, the treasury sustained a loss of revenue in this connection amounting to $133,924,000. In the meantime, the retail price of sugar to the consumer has not been reduced to the extent of a single mill. The chief beneficiaries have been some of the biggest banks of Wall Street, which own the major portion of the Cuban sugar industry," and

WHEREAS, The sugar program has not helped either the grower or the consumer. The radical reductions in the sugar tariff has destroyed millions of dollars of purchasing power among the growers in the sugar beet industry. The contention that increased trade with Cuba justifies the present low tariff and acreage restrictions for farmers is a theoretical and economic mistake. The record shows that the present sugar program cost the United States $42,800,000 per year to carry on its trade with Cuba during the last three years. The demand for a change in this program becomes a

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public necessity for the United States, and an economic emergency for all beet growers. Under the present acreage quotas from Washington, beet growers are ordered to reduce acreage, and the sales quotas on sugar for refineries have been less than the production of sugar in many districts, thereby compelling refineries to borrow millions of dollars on sugar stocks until the department grants additional sales quotas. Further increases on sugar quotas for Cuba is wholly inconsistent with the building of a prosperous agriculture in the United States, and will destroy the sugar industry in Continental United States, and

WHEREAS, After careful checks and rechecks it is found that over twenty million people are engaged in the sugar industry or reside within the sugar producing districts in the United States. The growers in these districts annually purchase machinery from factories and merchandise of all kinds from wholesale centers of the country to the extent of the $81,000,000 per year. This is much greater than the total of our annual exports to Cuba. Any reduction in acreage or decrease in price of sugar is an economic detriment to the welfare of the United States, and

WHEREAS, We vigorously demand that the allotment for 1941 sugar acreage be increased not less than 20 per cent, we request an additional acreage allotment for new irrigation projects where farms are properly prepared and the acreage acceptable to the field men representing local refineries, and

WHEREAS, "The sugar act has not been administered so as to secure for American sugar producers the small benefits it is supposed to give them. Quotas have been constantly adjusted to depress the prices of sugar." Certainly, with the defense program, provision must be made to increase the production from our sugar producing districts in the United States, and

WHEREAS, We, the memorialists of the twenty-seventh legislative assembly of the State of Montana, urge that the congress of the United States set up a proper sugar program; this program to permit a normal expansion of acreage and production, and an adequate protection for the sugar industry. We maintain this program will correct the wrongs now being sustained by farmers, processors, and wage earners engaged in growing and manufacturing domestic sugar. With a proper sugar program, thousands of farmers will normally increase their acreage and sugar production. Purchasing power of the growers will be greatly increased. Hundreds of millions of dollars now invested by the United States government in irrigation projects will be repaid. Indebtedness to local creditors will be retired. A large increase in employment and a general up-

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ward trend in business will be brought about, all of which will affect an increase in business for the country generally;

NOW, THEREFORE, BE IT RESOLVED That the secretary of state be and is hereby directed to send a copy of this Memorial to the president of the United States, the vice-president of the United States, the secretary of agriculture, interior and state, and to each senator and to each representative of the national congress now in session; that two hundred extra copies may be printed for members of the senate, to mail to sugar beet associations, factories and wholesale centers in the United States now selling machinery and merchandise of all kinds to domestic sugar producing districts.

Filed January 29, 1941.

SENATE JOINT MEMORIAL NO. 1

A Memorial to the Congress of the United States for the Passage of an Act Incorporating the Principles of the Townsend National Recovery Plan Substantially as Set Forth in a Bill Entitled House Resolution 8264, Introduced Into the House of Representatives in the Third Session of the Seventy-sixth Congress of the United States on February 1, 1940.

To the Honorable Senate and House of Representatives of the United States in Congress Assembled in the Seventy-seventh Session:

WHEREAS, The problems of unemployment and social security are two of the most vital economic issues now confronting the people of the State of Montana, as well as all other states of the Union, and

WHEREAS, The United States government and the states have incurred enormous debts in providing a bare subsistence for several million unemployed persons, and

WHEREAS, It will be impossible to continue such relief appropriations indefinitely without serious injury to the credit of the states and the nation, and

WHEREAS, The economic problems of unemployment and social security cannot be properly handled by individual states, but are national problems involving the general welfare of the whole nation, and

WHEREAS, The purposes of the Townsend national recovery

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plan, as set forth in the general welfare act of 1940 (House Resolution 8264) introduced in the last session of congress, are:

1. To retire from active employment some four or five million persons over sixty years of age, and provide jobs for several million persons under sixty years of age;

2. To decrease, if not eliminate, expenditures for relief;

3. To eliminate the necessity of hoarding to provide for needs incident to advancing age;

4. To stimulate trade and industry by increasing the purchasing power of persons of advanced years and of those who replace them in industry;

5. To relieve the present stagnation of money and credits by providing a market for products of American capital and labor.

NOW, THEREFORE, BE IT RESOLVED, By the senate of the State of Montana, the house of representatives concurring, that we do hereby petition the congress of the United States of America for the enactment of the Townsend national recovery plan into law, the said plan being deemed just and equitable to all persons in the United States.

BE IT FURTHER RESOLVED, That a copy of this Memorial be transmitted by the secretary of state of Montana to the president of the United States, to the senate and house of representatives of the congress of the United States, and to the senators and representatives in congress from the State of Montana, and they and each of them be requested to use all honorable means within their power to bring about the enactment of the Townsend recovery plan into law at the earliest possible time.

Approved February 6, 1941.

SENATE JOINT MEMORIAL NO. 2

A Joint Memorial to the Congress of the United States Requesting Their consideration and Notice of Conditions Tending to weaken and Undermine the Democracy We Are Striving to Perpetuate.

To the Honorable Senate and House of Representatives of the United States in Congress Assembled:

WHEREAS, During the past several years there has been a tendency on the part of congress to enact laws creating and giving

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arbitrary administrational and jurisdictional powers to divisional and subdivisional governmental agencies, and

WHEREAS, It is generally understood that more or less discretional power must, and should be, delegated to the administrative agency charged with enforcement of said laws, however it should be borne in mind that a democracy can exist only so long as those who govern do so by consent of the governed;

NOW, THEREFORE, WE PETITION YOU, That so far as is practicable, agencies entrusted with arbitrary powers be limited by statute in the exercise of such powers, and we further petition you,

THAT, Appeal to competent courts be made available by any appellant to any ruling made by any governmental agency entrusted with such arbitrary and jurisdictional powers.

IT IS HEREBY DIRECTED That copies of this Joint Memorial be sent to the Honorable Franklin D. Roosevelt, president of the United States, to the president of the senate, and the speaker of the house of representatives of the United States, and to each of the members of the senate and house of representatives from Montana.

Approved January 31, 1941.

SENATE JOINT MEMORIAL NO. 3

A Memorial in Support of the Committee of Investigation of Un-American Practices.

To the Honorable Senate and House of Representatives of the United States of America in Congress Assembled and to All the Officers and Members Thereof:

We, the senate and house of representatives of the twenty-seventh legislative assembly of the State of Montana now in session, respectfully submit this Joint Memorial requesting the honorable congress to re-create the committee of investigation of un-American practices.

Believing that a large majority of the people of the United States realize the importance of the investigations and the findings so far made, and still to be made, by the committee, we further request that sufficient funds for the further prosecution of the same be appropriated for the use of the committee, and further, that when the

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findings of said committee disclose with reasonable assurance that any person or organization is guilty of practices and purposes intended to overthrow our present form of government by force, said practices and their proponents shall be declared unlawful and all the machinery of law enforcement and crime detection shall be set in motion to apprehend and bring to justice those guilty.

We further request and recommend that the above named committee be given the moral and legal support of the honorable congress in any and every way possible as a part of our national defense program. Our first line of defense is "putting our own house in order" to safeguard it against espionage and sabotage. And we particularly call the attention of the honorable congress to the fact that the requests and recommendations embodied in this Joint Memorial are non-partisan in their origin, patriotic in their principle, mandatory by their representation, and entirely compatible with the pronouncements against Nazism, Fascism, and all other un-American "isms".

We further believe that this committee should make a thorough investigation into all espionage and sabotage cases developing within our present national defense program.

We request that the secretary of state be, and he hereby is, instructed to transmit copies of this Memorial to the Honorable Burton K. Wheeler, Honorable James E. Murray, senators; Honorable J. F. O'Connor, member of congress, and Congresswoman Jeannette Rankin.

Approved January 31, 1941.

SENATE JOINT MEMORIAL NO. 4

A Memorial in Relation to the Construction of a Water Conservation Project in the Valley of the Little Missouri River for the Irrigation of Lands in the Little Missouri Valley in Wyoming and Montana.

To the Honorable Franklin D. Roosevelt, President of the United States; the Honorable Burton K. Wheeler, the Honorable James E. Murray, Senators from the State of Montana; the Honorable Joseph C. O'Mahoney, the Honorable H. H. Schwartz, Senators from the State of Wyoming; the Honorable S. C. Ford, Governor of the State of Montana; the Honorable Nels H. Smith, Governor of the State of Wyoming; the Honorable James F. O'Connor,

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and the Honorable Jeannette Rankin, Members of Congress from the State of Montana; the Honorable Frank O. Horton, Member of Congress from the State of Wyoming; the Honorable Henry L. Stimson, Secretary of War; the Honorable Harold F. Ickes, Secretary of the Interior; the Honorable Claude R. Wickard, Secretary of Agriculture; the Honorable John M. Carmody, Administrator of Public Works; the Bureau of Reclamation and the Members of the State Water Conservation Board of the State of Montana:

Your memorialists, the members of the twenty-seventh legislative assembly of the State of Montana, the senate and house concurring, respectfully represent as follows; that

WHEREAS, The Little Missouri river is a stream which carries a large volume of water; and

WHEREAS, There is a suitable site or sites for the construction of a reservoir for the conservation of water and suitable lands for irrigation from water so conserved within the State of Wyoming and the State of Montana; and

WHEREAS, This area is in the very heart of that territory which has been generally designated and fully reported to the various departments of the United States government as the drought stricken area of the United States; and

WHEREAS, Dry land farming has proved unsuccessful in such area and great hardship and loss has been suffered in such area and the said area is an ideal territory for the raising of livestock especially sheep and cattle and there is adjacent thereto large areas of land suitable for summer grazing and the only thing which is needed in such area to make its people prosperous and successful is a permanent supply of hay to be used in the winter for the feeding of livestock; and

WHEREAS, Such hay could be grown in said area by the construction of said project; and

WHEREAS, Said project has been thoroughly considered and approved by the state water conservation board of the State of Montana as feasible, economical and desirable and has been thoroughly investigated by the federal emergency administration of public works and has been considered for construction during the past five years; and

WHEREAS, The construction of said project has been fully approved by the people of southeastern Montana, northwestern South Dakota and northeastern Wyoming; and

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WHEREAS, The state legislature of Wyoming has enacted legislation to permit the construction of said project and the diversion of water therefrom to irrigate lands in Wyoming and Montana; and

WHEREAS, The project was not built by the federal emergency administration of public works largely because of the fact that the dams and reservoirs in connection with the said project would be located within the State of Wyoming and might be subject to taxation therein; and

WHEREAS, The said project is altogether desirable and feasible and has not heretofore been constructed solely because of the fact that the dam and a portion of the lands to be irrigated are located in Wyoming and a portion in Montana; and

WHEREAS, There has been enacted an act by congress commonly called the Case-Wheeler act and other legislation which will permit the construction of such projects with title to same remaining in the United States government, and it appears that this necessary public work can be constructed only through the action of the United States under some of the acts authorizing same.

THEREFORE, BE IT RESOLVED, That we hereby petition the above named officials that we may have their full cooperation and assistance in securing the approval and speedy completion of this project, so that the relief of the people from their hardships and distress in said area be accomplished and they be restored to a permanent and successful state of prosperity.

BE IT FURTHER RESOLVED, That a copy of this Memorial be submitted to the officials named in the first paragraph hereof.

Approved February 6, 1941.

SENATE JOINT MEMORIAL NO. 5

A Joint Memorial of the Senate and House of Representatives of the State of Montana to the President of the United States Requesting an Executive Order Raising the Present Tariff on Mustard Seed, on Mustard Meal and on Oil Derived from Mustard Seed.

To the Honorable Franklin D. Roosevelt, President of the United States:

WHEREAS, The annual consumption of commercial mustard seed in the United States is about twice our production, and

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WHEREAS, Montana has during the past ten years been steadily increasing production until at the present time we are producing about half of our national needs, and

WHEREAS, This source of income for our growers has been of great benefit to the agricultural income of our State and an acceptable supplemental side line to our conservation program;

NOW THEREFORE, BE IT RESOLVED, That the twenty-seventh legislative assembly of the State of Montana, the senate and house concurring, hereby does request and petition the president of the United States to issue an executive order raising the present tariff rates on mustard seed, and on mustard meal, and on oils derived from the grinding and processing of such mustard seed, to the end that our growers may derive full benefits from the growing of such seed.

AND BE IT FURTHER RESOLVED, That the secretary of state of the State of Montana be instructed to send copies of this Memorial to the president of the United States and to our senators, B. K. Wheeler and James E. Murray, and to our represenatives, James O'Connor and Jeannette Rankin.

Approved February 6, 1941.

SENATE JOINT MEMORIAL NO. 6

A Joint Memorial of the Senate and House of Representatives of the State of Montana to the Honorable Claude R. Wickard, Secretary of Agriculture, Washington, D. C., Requesting That the Agricultural Marketing Service Be Directed to Take Steps Leading to the Establishment of Federal Standards Grading Commercial Mustard Seed.

To the Honorable Claude R. Wickard, Secretary of Agriculture:

WHEREAS, Certain portions of our nation produce large quantities of commercial mustard seed, and

WHEREAS, At the present time all such seed is sold to processors on sample, which, as a practice has proved very unsatisfactory;

NOW THEREFORE, BE IT RESOLVED, That the twenty-seventh legislative assembly of the State of Montana, the senate and house concurring, hereby urges that the agricultural marketing service be directed to investigate and to take all necessary steps leading to the establishment of federal standards grading commercial mustard seed.

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BE IT FURTHER RESOLVED, That the secretary of state of the State of Montana be instructed to send copies of this Memorial to the secretary of Agriculture of the United States and to our senators, B. K. Wheeler and James E. Murray, and to our representatives, James O'Connor and Jeannette Rankin.

Approved February 6, 1941.

SENATE JOINT MEMORIAL NO. 7

A Memorial to the Congress of the United States Requesting the Enactment of Appropriate Legislation to Create an Indian Reservation for All Indians of One Half or More Degree of Indian Blood Living on the Outskirts of Various Montana Cities.

To the Honorable Senate and House of Representatives of the United States of America, in Congress Assembled:

WHEREAS, There are between fifteen hundred and two thousand Indians of one half or more degree of Indian blood living on the outskirts of various Montana cities, and

WHEREAS, the Indian reorganization act of 1934 (Federal Statutes 988, Section 19), recognized all persons of one half or more degree of Indian blood as Indians, and entitles them to the same rights and privileges accorded other wards of the government, and

WHEREAS, These Indians are now living in makeshift dwellings on the outskirts of our various Montana cities and are subsisting for the most part from various relief agencies in the State of Montana, and have been a tremendous burden to the counties, cities, and Montana public welfare board.

NOW, THEREFORE, BE IT RESOLVED, By the senate and house of representatives of the State of Montana, that the congress of the United States be respectfully urged to immediately enact appropriate legislation to create an Indian reservation for all Montana landless Indians, and

BE IT FURTHER RESOLVED, That copies of this Memorial be transmitted by the secretary of the State of Montana to the senate and house of representatives of the congress of the United States, to each of the senators and representatives in congress from Montana, and to the commissioner of Indian affairs.

Approved February 11, 1941.

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SENATE JOINT MEMORIAL NO. 9

A Memorial to the Congress of the United States Urging the Uses of Domestic Chromium and Chromite Ores Prior to Those Now Imported.

WHEREAS, Upon the entry of the United States into the present defense program certain minerals essential to the manufacture of war materials become vital to the successful prosecution of the program, and

WHEREAS, Such essential war minerals in normal peace times are obtainable only from foreign sources and our domestic sources of supply are undeveloped and unknown, and

WHEREAS, The present warring countries having created the condition which has prevented the importation of chrome ores from peace time sources the United States government has made contracts for the purchase of ores of lower grade and less metallurgical value from other foreign sources to replace this deficiency, and

WHEREAS, The production of such vital war mineral in the United States is now due to the effort of individual miners and persons and involves such uncertain financial rewards as to be under the present government policy unattractive to capital, and

WHEREAS, The ores existant in the State of Montana and elsewhere within the United States have not the preference over ores of equal or similar value produced by foreign trade, and

WHEREAS, The government agencies interested in developing this war mineral have found sufficient evidence to issue favorable reports on Montana chromite deposits, and

WHEREAS, the only block of proven chromite had to find a market in foreign capital,

NOW BE IT RESOLVED, By the senate of the twenty-seventh legislative assembly of the State of Montana, the house of representatives concurring, that we hereby petition the congress of the United States to enact such legislation as to enable the use of domestic sources of chromium prior to any import of equal or similar grade, and

BE IT FURTHER RESOLVED, That a copy hereof be transmitted by the secretary of state of the State of Montana to the representatives and senators of the State of Montana now in congress with the request that their utmost efforts be used in obtaining the congressional action indicated.

Approved February 11, 1941.

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SENATE JOINT MEMORIAL NO. 10

A Resolution Memorializing the Congress of the United States for the Passage of Legislation Authorizing the Continuance of the Purchase of Silver.

To the Honorable Senate and House of Representatives of the United States of America in Congress Assembled:

WHEREAS, Under the monetary act of July 6, 1939, the congress of the United States has fixed the price of domestic silver at 71.11 cents per fine ounce, and

WHEREAS, This price is necessary to ensure the continuance of the operation of the silver mines of Montana, as well as of those mines of the State in which silver is an important by-product, and

WHEREAS, Without the continuance of this price many properties will be compelled to close down with resulting unemployment of miners and loss of markets to farmers and merchants.

NOW, THEREFORE, BE IT RESOLVED By the senate, the house of representatives concurring, that the congress of the United States of America, be, and it is hereby respectfully urged and petitioned to oppose any proposals which may be made for the reduction of the now established price of 71.11 cents per fine ounce of silver produced within the United States and Alaska.

Approved March 3, 1941.

SENATE JOINT MEMORIAL NO. 11

A Memorial Memorializing the Honorable Franklin D. Roosevelt, President of the United States; the Honorable Cordell Hull, Secretary of State of the United States; the Senators and Representatives in Congress From the State of Montana; and the Foreign Relations Committee of the Senate of the United States, Opposing Change of Sanitary Regulations Governing the Importation of Livestock From Countries Where Foot and Mouth Disease Exists.

WHEREAS, The state department of the United States government has negotiated a sanitary convention and may negotiate trade pacts with countries where foot and mouth disease exists, which convention or pacts would remove the present sanitary regulations governing the importation of livestock and unsterilized livestock products from zones in such countries which have temporarily been declared to be free from foot and mouth disease; and

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WHEREAS, None of these countries maintain a livestock sanitary organization comparable to the United States bureau of animal industry and have never inaugurated or carried on a systematic program for the eradication of foot and mouth disease, such as has been done by the bureau of animal industry, U. S. department of agriculture, with the several states in the United States cooperating; and

WHEREAS, An outbreak of foot and mouth disease would not only seriously damage normal production of the nation's meat supply but would, by the restrictive measures which must be taken to eradicate it, disrupt the normal flow of commerce in the nation; and

WHEREAS, Experience with the disease in this country shows that this disruption of commerce might easily attain proportions which would seriously impede our national defense efforts; and

WHEREAS, There is exceedingly grave danger of foot and mouth disease virus being carried by livestock or unsterilized livestock products from any country where foot and mouth disease exists; and

WHEREAS, If foot and mouth disease ever became endemic in the State of Montana, it would contaminate wild animal life as well as domestic animal life with resultant cruel death to thousands upon thousands of such animals so that a goodly portion of the meat food supply of our nation would be destroyed and the wild life in our forests and plains disseminated with financial disaster to the State of Montana and its citizens; and

WHEREAS, There is a sanitary pact now before the foreign relations committee of the senate of the United States for ratification.

NOW, THEREFORE, BE IT RESOLVED, That the twenty-seventh legislative assembly of the State of Montana, both houses concurring, respectfully petition the foreign relations committee of the senate of the United States that they do not recommend the ratification of the sanitary convention now pending before their committee; and

BE IT FURTHER RESOLVED, That we petition the Honorable Burton K. Wheeler, and James E. Murray, senators from the State of Montana; Congressman James F. O'Connor and Congresswoman Jeannette Rankin to use their every effort to defeat any sanitary convention or trade pact that would remove or lessen the present sanitary regulations governing the importation of livestock or unsterilized livestock products from any country where foot and mouth disease exists; and

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BE IT FURTHER RESOLVED, That we petition the Honorable Franklin D. Roosevelt, president of the United States and secretary of state of the United States, Cordell Hull, not to enter into or recommend any sanitary convention or trade pact that would remove or lessen the present sanitary regulations governing the importation of livestock or unsterilized livestock products from any country where foot and mouth disease exists.

BE IT FURTHER RESOLVED, That copies of this Memorial be transmitted by the secretary of state of the State of Montana to the Honorable Franklin D. Roosevelt, president of the United States; secretary of the United States Cordell Hull; the senators and representatives in congress from the State of Montana, and the foreign relations committee of the senate of the United States.

Approved March 3, 1941.

SENATE JOINT MEMORIAL NO. 14

A Memorial to the Honorable Franklin D. Roosevelt, President of the United States; the Honorable Henry L. Stimson, Secretary of War; the Honorable Burton K. Wheeler; the Honorable James E. Murray, Senators From the State of Montana; the Honorable James F. O'Connor and the Honorable Jeannette Rankin, Members of the House of Representatives From the State of Montana, Relating to the Utilization of Facilities at Fort Missoula, Montana.

The Members of the Senate of the Twenty-seventh Legislative Assembly of the State of Montana, and the House of Representatives Concurring, Respectfully Represent as Follows:

WHEREAS, The United States army has for many years maintained a battalion post at or near the city of Missoula, Montana, commonly known and referred to as Fort Missoula; and

WHEREAS, Said Fort Missoula is the only military establishment located in the State of Montana; and

WHEREAS, Substantial sums of money, to-wit: sums in excess of six hundred thousand dollars ($600,000.00) have been spent by the United States army in the development and improvement of facilities at said Fort Missoula within the past three years; and

WHEREAS, In addition thereto, the chamber of commerce of the city of Missoula has acquired a tract of land consisting of more than five thousand (5,000) acres at a cost in excess of twelve thousand

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dollars ($12,000.00) and within the past year has transferred the same without cost to the United States army for use as a target range in connection with said Fort Missoula; and

WHEREAS, all troops regularly stationed at Fort Missoula were transferred recently to Anchorage, Alaska for the purpose of assisting in the development of defense projects at that point, leaving only sufficient troops at Fort Missoula to care for the same on a maintenance basis; and

WHEREAS, At the present time, Fort Missoula is being used solely as an induction center for the State of Montana in connection with the current national defense program; and

WHEREAS, the facilities available at Fort Missoula are not thereby utilized to their greatest possible advantage and could be put to greater service under the current national defense program,

NOW, THEREFORE, BE IT RESOLVED, That we hereby petition the above named officials that they may exercise their influence in the administration of the current national defense program, to the end that facilities now available at Fort Missoula, Montana may be used to their greatest possible advantage in the interests of national security and to the welfare of the people of the State of Montana and of the United States of America.

BE IT FURTHER RESOLVED, That a copy of this Memorial be submitted to the officials hereinabove addressed.

Approved March 3, 1941.

SENATE JOINT MEMORIAL NO. 15

A Memorial to the President of the United States and the Representatives From the State of Montana and the State of Wyoming in the Congress of the United States Requesting Careful Consideration and Prompt Support in the Passage of an Act Providing for the Construction of Storage of Water by the War Department, and That Such Provisions Be Made as Will Assure the People of Montana and Wyoming of Water Necessary for Their Present and Potential Needs for Domestic and Irrigation Purposes by the Building of Proper Dams in the Big Horn River in Montana and Boysen, Wyoming.

The Members of the Senate of the Twenty-seventh Legislative Assembly of the State of Montana, and House of Representatives Concurring, Respectfully Represent as Follows:

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WHEREAS, The war department, under direction of congress, made a survey of the Yellowstone watershed and has made its report wherein it recommends that storage be provided at either the Kane or Boysen sites in Wyoming and that owing to the complexity of the interest involved and the wide-spread benefit which would accrue from the storage, it is considered appropriate for the United States to bear the entire cost of the new project adopted; and

WHEREAS, The board of engineers of rivers and harbors held a public hearing at Billings, Montana, on the 30th day of January, 1941, at which were present large delegations from the Yellowstone river watershed below the influx of the Big Horn and from the whole Big Horn watershed area in Montana and Wyoming, including Crow Indian representation, and which representatives spoke and presented briefs, all of which were unanimous, in favor of the Boysen storage, provided the water be made first available for domestic and irrigation needs of the area, both present and potential; and

WHEREAS, The same benefits would accrue to Montana and her people in the elimination of the silt from the stream flow and the supplying of supplemental water now badly needed, if storage were provided at the Boysen site as is provided at the Kane site; and

WHEREAS, If it were provided at the Kane site Wyoming citizens would receive no benefits from the elimination of the silt or very little benefit from the storage and would suffer a very substantial loss as the result of the inundating of a considerable acreage of irrigated land; and

WHEREAS, Storage at the Boysen site would be valuable as such beyond a period of two hundred and fifty years,

NOW THEREFORE, BE IT RESOLVED By the senate of the State of Montana, the house of representatives concurring, that the congress of the United States of America be and is hereby memoralized to give prompt and careful consideration in the passage of an act providing for the construction of storage by the war department and that such provision be made as will assure the people of Montana and Wyoming of water necessary for their present and potential needs for domestic and irrigation purposes.

BE IT FURTHER RESOLVED, That the secretary of state be, and is hereby, directed to promptly transmit certified copies thereof to the president and vice-president of the United States, to the speaker of the house of representatives, to Burton K. Wheeler and

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James E. Murray, Montana United States senators and James F. O'Connor and Jeannette Rankin, Montana congressman and congresswoman, and to Joseph C. O'Mahoney and Harry Schwartz, Wyoming United States senators and Congressman John J. McIntyre of Wyoming.

Approved March 6, 1941.

SENATE JOINT MEMORIAL NO. 16

A Memorial in Relation to the Hours of Open Season on and Possession of Certain Migratory Game Birds Within the State of Montana.

To the Honorable Franklin D. Roosevelt, President of the United States; the Honorable Burton K. Wheeler, the Honorable James E. Murray, Senators From the State of Montana; the Honorable James F. O'Connor and the Honorable Jeannette Rankin, Members of Congress From the State of Montana; to the Honorable Harold E. Ickes, Secretary of the Interior; to the Director of the Fish and Wild Life Service of the United States Department of Interior.

Your memorialists, the members of the twenty-seventh legislative assembly of the State of Montana, the senate and house concurring, respectfully represent as follows; that

WHEREAS, The season for hunting migratory game birds in the State of Montana is mostly depending upon weather conditions in the north, and said season is at most for a few days or a week; and

WHEREAS, The department of interior through its fish and wild life service has made the opening and closing season from 7 a. m. until 4 p. m. each day of the season; and

WHEREAS, the residents of the State of Montana who may receive benefits from this hunting have suffered greatly by reason of such seasons; and

WHEREAS, the residents of the State of Montana respectfully request that a change be made in the fish and wild life regulations to permit the hunting of certain migratory game birds between the hours of 7 a. m. and 5 p. m. each day; and

THEREFORE, BE IT RESOLVED, That we hereby petition the above named officials that we may have their full cooperation and assistance in securing the approval of these changes of these regulations.

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BE IT FURTHER RESOLVED, That a copy of this Memorial be submitted by the secretary of state of the State of Montana to the Honorable Franklin D. Roosevelt, president of the United States; the Honorable Burton K. Wheeler, the Honorable James E. Murray, senators from the State of Montana; the Honorable James F. O'Connor, and the Honorable Jeannette Rankin, members of congress from the State of Montana; to the Honorable Harold F. Ickes, secretary of the interior, and the director of fish and wild life service of the department of interior.

Approved March 3, 1941.

SENATE JOINT RESOLUTION NO. 1

A Joint Resolution Declaring an Emergency to Exist and Providing for Employment of, and Compensation for a Competent Secretary or Committee Clerk for the Senate Committee on Judiciary During the Twenty-seventh Legislative Assembly of the State of Montana Pursuant to the Authority Granted by Section 77 of the Revised Codes of Montana, 1935.

Be It Resolved by the Senate of the Twenty-seventh Legislative Assembly of the State of Montana, the House Concurring:

WHEREAS, Extraordinary conditions have arisen which make it necessary for orderly and expeditious conduct of the business of the senate and the need for skilled and competent help in the senate, has created an emergency, and

WHEREAS, There was and is need during the twenty-seventh legislative assembly of the State of Montana for a competent secretary or committee clerk for the senate committee on judiciary at this time, and has been so employed since January 13, 1941, upon report and recommendation of the senate committee on employment, which report of the senate committee on employment was duly adopted by the senate in regular session.

NOW, THEREFORE, BE IT RESOLVED By the senate of the twenty-seventh legislative assembly of the State of Montana, the house concurring, that by virtue of Section 77 of the Revised Codes of Montana, 1935, the senate committee on employment be authorized to employ a competent secretary or committee clerk for the senate committee on judiciary at a salary of six dollars ($6.00) per day during the twenty-seventh legislative assembly of the State of Montana beginning with January 14, 1941 and such employ-

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ment of such secretary or committee clerk since January 13, 1941 is approved and confirmed.

Approved February 26, 1941.

SENATE JOINT RESOLUTION NO. 2

A Joint Resolution Declaring an Emergency to Exist up to and Including March 6, 1941, and Providing for the Compensation and Employment of Additional Help in Addition to the Employees Enumerated in Section 62 of the Revised Codes of Montana for 1935 for the Senate During the Twenty-seventh Legislative Assembly of the State of Montana Pursuant to the Authority Granted by Section 77 of the Revised Codes of Montana for 1935, and Providing That Such Additional Employment and Said Emergency Shall Cease Not Later Than March 6, 1941.

Be It Resolved by the Senate of the Twenty-seventh Legislative Assembly of the State of Montana, the House of Representatives Concurring:

WHEREAS, The need for skilled help in the senate has created an emergency, which will terminate not later than March 6, 1941, and

WHEREAS, The consideration of relief measures, tax legislation, extensive departmental reorganization measures, along with other legislative problems have created an extraordinary condition rendering it necessary, for the orderly and expeditious conduct of the business of the senate, to employ employees in addition to those authorized and enumerated by Section 62 of the Revised Codes of Montana for 1935, up to and including March 6, 1941.

NOW, THEREFORE, BE IT RESOLVED, By the senate of the twenty-seventh legislative assembly of the State of Montana, the house of representatives concurring, that by virtue of Section 77, Revised Codes of Montana for 1935, the employment committee of the senate be authorized to employ not to exceed six (6) additional stenographers and one (1) additional proof reader up to and including March 6, 1941, and

BE IT FURTHER RESOLVED, That compensation for the additional employees shall be paid up to and including March 6, 1941, only as provided by Section 76 of the Revised Codes of Montana for 1935.

Approved January 31, 1941.

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CHANGES OF NAMES DECREED IN 1939-1940

Date of Judgment	Original Name	Name Decreed	Residence
Apr. 19, 1939	Johannes Larson Dalseides	John L. Dahl	Miles City, Mont.
Apr. 19, 1939	Anders Magnesen Kallakiev	Anders Magnesen	Miles City, Mont.
Apr. 19, 1939	(Lars) Louis Christian Larson	Louis Larson	Miles City, Mont.
Oct. 18, 1939	Luigi Molinara	Louis Mohlin	Miles City, Mont.
Oct. 18, 1939	Caloggera Costa	Clara Costa	Miles City, Mont.
July 31, 1939	Norman L. Olson	Gale Denton	Bozeman, Mont
Jan. 14, 1939	John B. Ditty	John B. Burke	Dillon, Mont.
Sept. 9, 1939	Stanley J. Wolshensky	Stanley J. Wall	Dawson County.
Sept. 9, 1939	James F. Wolshensky	James F. Wall	Dawson County.
July 1, 1939	Spas Lekoff	Spas Lecoe	Ingomar, Mont.
Sept. 15, 1939	Stener Anderson	Stone Anderson	Fairfield, Mont.
Dec. 16, 1939	Kenneth Dwaine Ferris	Kenneth Dwaine Thompson	Choteau, Mont.
Jan. 13, 1940	Addison Vernon Haworth	Edward Vernon Jeffries	Opportunity, Mont.
June 26, 1939	Wayne Earl Austin	Wayne Earl Kerns	Billings, Mont.
June 23, 1939	Aloysious Cabre	Aloysious C. Cunningham	Billings, Mont.
July 1, 1938	John Joseph Skibicki	John Joseph Riley	Fort Peck, Mont.
July 1, 1938	Lorraine Skibicki	Lorraine Riley	Fort Peck, Mont.
July 1, 1938	Elaine Skibicki	Elaine Riley	Fort Peck, Mont.
July 1, 1938	June Skibicki	June Riley	Fort Peck, Mont.
Oct. 21, 1940	Peter Morse Mikkleson	Peter Morse Anderson	Madison County
Feb. 19, 1940	Andrew Tereschenko	Andrew Terres	Bozeman, Mont.
Sept. 17, 1940	Robert Earle Iverson	Earle Francis Knapp	Helena, Mont.
Nov. 9, 1940	Sam Vlasic	Sam Eugene Ryan	Helena, Mont.
July 1, 1940	Rade Gacesa	Rade Gotch	Deer Lodge County
July 1, 1940	Frieda Gacesa	Frieda Gotch	Deer Lodge County
July 1, 1940	Rade Gacesa, Jr.	Rade Gotch, Jr.	Deer Lodge County
July 1, 1940	Georgianna Gacesa	Georgianna Gotch	Deer Lodge County
Aug. 20, 1940	Lewis J. Nigherbon	Lewis J. Marlin	Radersburg, Mont.
Sept. 18, 1940	Robert Allen Glass	Robert Allen Dutcher	Radersburg, Mont.
Mar. 11, 1940	Christ Schmidt	Christ LeRoy Smith	Billings, Mont.
Oct. 14, 1940	Wayne Bruce Jernigan	Wayne Bruce Kerner	Yellowstone County
Apr. 11, 1940	Anton Bubik	Anton Bubik Holly	604 Main St. Miles City, Mont.
Sept. 12, 1940	Djoko Gheorgieff	Joe George	Miles City, Mont.
Sept. 12, 1940	Albert Teodor Johansson	Albert Theodore Johnson	Miles City, Mont.
Sept. 12, 1940	Nicola Lazanovich	Nick Lazoff	Box 883 Miles City, Mont.
Sept. 12, 1940	Filio Minkoff	Frank Minkoff	1209 N. Jordan Miles City, Mont.
Sept. 12, 1940	Vaseliki Loucopulo	Bessie Lucas	Miles City, Mont.
Sept. 12, 1940	Vincenza Annalora	Virginia Annalora	18 North 4th Miles City, Mont.
Nov. 2, 1940	Clarence J. Wolfe	Clarence J. Lippert	Miles City, Mont.
Feb. 25, 1941	Richard Hancock	Richard Thomas Albee	Miles City, Mont.

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APPENDIX

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APPENDIX

The following referendum measures adopted by the people at the general election held November 5, 1940, became effective by virtue of the governor's proclamation on November 28, 1940:

REFERENDUM MEASURE NO. 42
CHAPTER 143
HOUSE BILL NO. 183

An Act Providing for the Increase of the Rate of Taxation on Real and Personal Property for State purposes of Not to Exceed Three and One-half (3½) Mills on Each Dollar of Taxable Valuation, in Addition to the Levy Which Is Now or May Be Hereafter Authorized by Section 9 of Article 12 of the Constitution of the State of Montana, for a Period of Ten (10) Years Beginning With the Year 1941, and to Authorize and Empower the Legislative Assembly to Levy a Tax for Each Year During Such Period of an Additional Levy of Not to Exceed Three and one-half (3½) Mills on Each Dollar of Taxable Valuation for the Support, Maintenance and Improvement of the Institutions Now Comprised in the Greater University of Montana, Together With the Agricultural Experiment Station and Its Branches and Substations, and the Agricultural Extension Service, Including the Soil Survey and the Grain Laboratory and to Appropriate So Much of the Money Derived Therefrom for Each Year During Said Period as May Be Necessary for Said Purposes, and Providing for the Submission of This Act to the Qualified Electors of the State of Montana at the Next General Election, Describing the Form of Ballots to Be Used and the Duties of the Secretary of the State of Montana Relative to the Submission of Said Act to the Qualified Electors of Said State.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the rate of taxation on real and personal property for state purposes, as is hereafter defined, for each year for a period of ten (10) years beginning with the year 1941, shall be increased three and one-half (3½) mills on each dollar of taxable valuation, in addition to the levy which is now or may hereafter be authorized by Section 9 of Article 12 of the constitution of the State of Montana, and the legislative assembly is authorized and empowered to levy an additional tax for state purposes for each of said years of

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not exceeding three and one-half (3½) mills on each dollar of taxable valuation for state purposes, and all money derived from said additional levy of three and one-half (3½) mills for each of said years or so much thereof as may be necessary shall be appropriated by the legislative assembly for the support, maintenance and improvement of the state university at Missoula, the state college of agriculture and mechanic arts at Bozeman, the Montana state school of mines at Butte, the Montana state normal college at Dillon, the eastern Montana state normal school at Billings, and the northern Montana agricultural and manual training school at Fort Assiniboine, now comprised in the university of Montana, together with the agricultural experiment station and its branches and substations, and the agricultural extension service, including the soil survey and the grain laboratory.

Section 2. There shall be a referendum upon this act, and the secretary of state of the State of Montana is hereby required and it is made his duty to submit this act to the people of the State of Montana for their approval or rejection at the general election to be held in November, 1940, in accordance with the provisions of the constitution and the laws of the State of Montana relative thereto; the title and number of this referendum act shall be printed upon the official ballot used at said election, and below the title shall be printed the words:

☐ For the levy for the University, Agricultural Experiment Stations and Extension Service.

☐ Against the levy for the University, Agricultural Experiment Stations and Extension Service.

Each elector shall designate his preference by marking an "X" in the square before the proposition for which such elector desires to vote.

Section 3. The vote upon this referendum act shall be counted and canvassed as is provided by law and if a majority of all votes cast at such election for and against such referendum act shall be in favor of the act, the governor of the State of Montana shall immediately so declare by public proclamation.

Section 4. All acts and parts of acts in conflict herewith are hereby repealed.

Section 5. This act shall be in full force and effect from and after its passage and approval.

Approved March 11, 1939.

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REFERENDUM MEASURE NO. 43
CHAPTER 168
HOUSE BILL NO. 273

An Act to Authorize the State of Montana to Become Indebted in the Sum of Five Hundred Thousand Dollars in Excess of the Constitutional Limitation of Indebtedness and Over and Above Any Bonded Indebtedness Heretofore Incurred or Created and for Which the State of Montana Is Now Obligated, for the Construction, Repair, and Equipment of Necessary Buildings, Other Permanent Improvements and the Acquisition of Necessary Grounds Therefor at the Montana State Hospital for the Insane Located at Warm Springs, Montana; Providing for the Issuance of Bonds in the Name of the State of Montana as Evidence of Such Indebtedness and for the Sale Thereof, Prescribing the Form of Such Bonds and Providing for the Levy of an Annual Tax Sufficient to Pay the Principal Thereof and the Interest Accruing Thereon, and Providing for a Referendum of This Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the legislative assembly of the State of Montana is hereby authorized and empowered to direct the state board of examiners to issue bonds in the name of the State of Montana in a sum not exceeding five hundred thousand dollars ($500,000.00) in excess of the constitutional limitation of indebtedness and over and above any bonded indebtedness heretofore incurred or created and for which the State of Montana is now obligated, the money derived from the sale of said bonds to be used for the purpose of constructing, repairing, and equipping necessary buildings, for other permanent improvements and for acquiring necessary grounds therefor, at the Montana state insane asylum at Warm Springs, Montana.

Section 2. Such bonds shall be issued in series from time to time by the state board of examiners upon the direction of the legislative assembly of the State of Montana, and at such times and in such amounts as may appear to the legislative assembly of the State of Montana in the exercise of its judgment and discretion to be for the best interests of the State and necessary for the erection, repair and equipment of necessary buildings, other permanent improvements, and acquisition of necessary grounds, at the Montana state hospital for the insane.

Section 3. Each series of bonds provided for in this act shall be issued in such denominations as may be determined by the state

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board of examiners at the time the same are authorized to be issued under the provisions of this act, and shall bear date as of the day of issuance thereof, and shall become due and payable serially over a period of not to exceed twenty (20) years from the date of issuance, and shall bear interest at the rate of not to exceed four per centum (4%) per annum, payable semi-annually on such dates as may be determined and fixed by the State of Montana; provided, however, that for each series of said bonds issued after the issuance of a first series thereof, the board of examiners shall so fix the interest paying dates that the interest thereon will become due and payable on the same date as the interest on the first series of bonds which become due and payable, and in order so to do, the state board of examiners may provide that the first interest shall be due and payable at a date less than six (6) months after the date of the issuance of such series.

Section 4. The board of examiners shall prescribe the form of such bonds and the bonds of each series shall bear upon their face the words "state insane hospital bonds of the State of Montana" with a letter or figure to designate the series thereon, and shall be signed by the members of the state board of examiners, and the great seal of the State of Montana shall be affixed to each bond and the bonds shall be registered in the office of the state treasurer. Said bonds shall have interest coupons attached thereto covering the interest due semi-annually, which coupons shall be executed with facsimile signatures of all the members of the state board of examiners and the signing of said bonds with facsimile signatures shall be recognized as sufficient execution of said coupons on behalf of the State of Montana.

Section 5. The bonds provided for in this act shall be disposed of by the state board of examiners in such manner as they shall deem for the best interests of the State and in carrying out the provisions of this act; provided, that no bond shall be disposed of for less than its par value.

Section 6. All moneys derived from the issuance and sale of the bonds authorized by this act shall be paid into the state treasury, and shall constitute a special fund for the construction, repair, and equipment of necessary buildings and other permanent improvements, and the acquisition of necessary grounds therefor at the state hospital for the insane at Warm Springs, Montana, and shall be expended only for the construction, repair, and equipment of necessary buildings, other permanent improvements, and the acquisition of necessary grounds therefor, at said institution, and shall be disbursed by the state treasurer on warrants properly drawn

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against such fund by the state auditor pursuant to the orders of the state board of examiners.

Section 7. There shall be levied annually upon all property of the State of Montana subject to taxation an ad valorem tax upon each dollar of the taxable valuation of such property sufficient to pay the interest accruing on said bonds as such interest shall fall due, and the payment of the bonds as they serially become due, said levy, however, not to exceed one-half (½) mill per annum. The tax when collected by the county treasurers of the several counties of the State shall be by them accounted to and paid into the state treasury of the State of Montana, and by the state treasurer placed in the "state insane hospital bond interest and redemption fund" which fund shall be used exclusively for the payment of principal and interest on said bonds as the same become due.

Section 8. There shall be a referendum on this act and the secretary of state is hereby required, and it is made his duty to submit this measure in accordance with Section 2 of Article 13 of the constitution of the State of Montana and all other provisions of the constitution and laws of the State of Montana applicable thereto to the people of the State for their approval or rejection at the general election to be held in November, 1940. The official ballot used at said election shall have printed thereon the title of this act and below the same shall be printed the words:

☐ For the Bond Issue for State Insane Hospital Bonds.

☐ Against the Bond Issue for the State Insane Hospital Bonds.

Each elector shall designate his preference by marking an "X" in the square below the proposition for which such elector desires to vote. The votes cast for and against the law above proposed, shall be counted, returned, and canvassed, and the results shall be determined and declared in the manner provided by the general election laws of the State.

Section 9. The cost of the bonds issued under this act, fees, commissions, and compensation of the architect employed in the construction and to prepare plans shall be paid out of the proceeds of the bonds.

Section 10. If any parts of this act shall be declared by any court of competent jurisdiction to be unconstitutional such unconstitutionality shall not affect the validity of the remaining parts of this act.

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Section 11. All acts and parts of acts in conflict herewith are hereby repealed.

Section 12. This act shall be in full force and effect from and after its passage and approval.

Approved March 15, 1939.

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GENERAL INDEX

NOTE:
Index of Appropriations Follows General Index

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